

LSC 129 2600-2

129th General Assembly

Regular Session

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Sub. H. B. No. 555

A B I L L

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| To amend sections 3301.0710, 3301.0711, 3301.0714, | 1 |
| 3302.01, 3302.02, 3302.021, 3302.03, 3302.04, | 2 |
| 3302.041, 3302.042, 3302.05, 3302.10, 3302.12, | 3 |
| 3302.20, 3302.21, 3310.03, 3310.06, 3311.741, | 4 |
| 3311.80, 3313.473, 3314.012, 3314.015, 3314.016, | 5 |
| 3314.02, 3314.05, 3314.35, 3314.36, 3314.37, | 6 |
| 3319.111, 3319.112, 3319.58, 3326.03, 3333.041, | 7 |
| 3333.048, and 3333.391 and to enact sections | 8 |
| 3314.017 and 3314.351 of the Revised Code to | 9 |
| create a new academic performance rating system | 10 |
| for school districts and other public schools; to | 11 |
| require an alternative academic performance rating | 12 |
| system for community schools serving primarily | 13 |
| students enrolled in dropout prevention and | 14 |
| recovery programs; to create a new evaluation | 15 |
| process for community school sponsors; to abolish | 16 |
| the Ohio accountability task force and replace it | 17 |
| with the Ohio accountability advisory committee; | 18 |
| and to specifically permit educational service | 19 |
| centers to partner in the development of STEM | 20 |
| schools. | 21 |

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.0710, 3301.0711, 3301.0714, 22

3302.01, 3302.02, 3302.021, 3302.03, 3302.04, 3302.041, 3302.042, 23
3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 3310.03, 3310.06, 24
3311.741, 3311.80, 3313.473, 3314.012, 3314.015, 3314.016, 25
3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3319.111, 3319.112, 26
3319.58, 3326.03, 3333.041, 3333.048, and 3333.391 be amended and 27
sections 3314.017 and 3314.351 of the Revised Code be enacted to 28
read as follows: 29

Sec. 3301.0710. The state board of education shall adopt 30
rules establishing a statewide program to assess student 31
achievement. The state board shall ensure that all assessments 32
administered under the program are aligned with the academic 33
standards and model curricula adopted by the state board and are 34
created with input from Ohio parents, Ohio classroom teachers, 35
Ohio school administrators, and other Ohio school personnel 36
pursuant to section 3301.079 of the Revised Code. 37

The assessment program shall be designed to ensure that 38
students who receive a high school diploma demonstrate at least 39
high school levels of achievement in English language arts, 40
mathematics, science, and social studies. 41

(A) (1) The state board shall prescribe all of the following: 42

(a) Two statewide achievement assessments, one each designed 43
to measure the level of English language arts and mathematics 44
skill expected at the end of third grade; 45

(b) Two statewide achievement assessments, one each designed 46
to measure the level of English language arts and mathematics 47
skill expected at the end of fourth grade; 48

(c) Four statewide achievement assessments, one each designed 49
to measure the level of English language arts, mathematics, 50
science, and social studies skill expected at the end of fifth 51
grade; 52

(d) Two statewide achievement assessments, one each designed 53
to measure the level of English language arts and mathematics 54
skill expected at the end of sixth grade; 55

(e) Two statewide achievement assessments, one each designed 56
to measure the level of English language arts and mathematics 57
skill expected at the end of seventh grade; 58

(f) Four statewide achievement assessments, one each designed 59
to measure the level of English language arts, mathematics, 60
science, and social studies skill expected at the end of eighth 61
grade. 62

(2) The state board shall determine and designate at least 63
three ranges of scores on each of the achievement assessments 64
described in divisions (A)(1) and (B)(1) of this section. Each 65
range of scores shall be deemed to demonstrate a level of 66
achievement so that any student attaining a score within such 67
range has achieved one of the following: 68

(a) An advanced level of skill; 69

(b) A proficient level of skill; 70

(c) A limited level of skill. 71

(3) For the purpose of implementing division (A) of section 72
3313.608 of the Revised Code, the state board shall determine and 73
designate a level of achievement, not lower than the level 74
designated in division (A)(2)(c) of this section, on the third 75
grade English language arts assessment for a student to be 76
promoted to the fourth grade. The state board shall review and 77
adjust upward the level of achievement designated under this 78
division each year the test is administered until the level is set 79
equal to the level designated in division (A)(2)(b) of this 80
section. 81

(B)(1) The assessments prescribed under division (B)(1) of 82

this section shall collectively be known as the Ohio graduation 83
tests. The state board shall prescribe five statewide high school 84
achievement assessments, one each designed to measure the level of 85
reading, writing, mathematics, science, and social studies skill 86
expected at the end of tenth grade. The state board shall 87
designate a score in at least the range designated under division 88
(A) (2) (b) of this section on each such assessment that shall be 89
deemed to be a passing score on the assessment as a condition 90
toward granting high school diplomas under sections 3313.61, 91
3313.611, 3313.612, and 3325.08 of the Revised Code until the 92
assessment system prescribed by section 3301.0712 of the Revised 93
Code is implemented in accordance with rules adopted by the state 94
board under division (D) of that section. 95

(2) The state board shall prescribe an assessment system in 96
accordance with section 3301.0712 of the Revised Code that shall 97
replace the Ohio graduation tests in the manner prescribed by 98
rules adopted by the state board under division (D) of that 99
section. 100

(3) The state board may enter into a reciprocal agreement 101
with the appropriate body or agency of any other state that has 102
similar statewide achievement assessment requirements for 103
receiving high school diplomas, under which any student who has 104
met an achievement assessment requirement of one state is 105
recognized as having met the similar requirement of the other 106
state for purposes of receiving a high school diploma. For 107
purposes of this section and sections 3301.0711 and 3313.61 of the 108
Revised Code, any student enrolled in any public high school in 109
this state who has met an achievement assessment requirement 110
specified in a reciprocal agreement entered into under this 111
division shall be deemed to have attained at least the applicable 112
score designated under this division on each assessment required 113
by division (B) (1) or (2) of this section that is specified in the 114

agreement. 115

(C) The superintendent of public instruction shall designate 116
dates and times for the administration of the assessments 117
prescribed by divisions (A) and (B) of this section. 118

In prescribing administration dates pursuant to this 119
division, the superintendent shall designate the dates in such a 120
way as to allow a reasonable length of time between the 121
administration of assessments prescribed under this section and 122
any administration of the national assessment of educational 123
progress given to students in the same grade level pursuant to 124
section 3301.27 of the Revised Code or federal law. 125

(D) The state board shall prescribe a practice version of 126
each Ohio graduation test described in division (B)(1) of this 127
section that is of comparable length to the actual test. 128

(E) Any committee established by the department of education 129
for the purpose of making recommendations to the state board 130
regarding the state board's designation of scores on the 131
assessments described by this section shall inform the state board 132
of the probable percentage of students who would score in each of 133
the ranges established under division (A)(2) of this section on 134
the assessments if the committee's recommendations are adopted by 135
the state board. To the extent possible, these percentages shall 136
be disaggregated by gender, major racial and ethnic groups, 137
limited English proficient students, economically disadvantaged 138
students, students with disabilities, and migrant students. 139

If the state board intends to make any change to the 140
committee's recommendations, the state board shall explain the 141
intended change to the Ohio accountability ~~task force~~ advisory 142
committee established by section 3302.021 of the Revised Code. The 143
~~task force~~ Ohio accountability advisory committee shall recommend 144
whether the state board should proceed to adopt the intended 145

change. Nothing in this division shall require the state board to 146
designate assessment scores based upon the recommendations of the 147
~~task force~~ Ohio accountability advisory committee. 148

Sec. 3301.0711. (A) The department of education shall: 149

(1) Annually furnish to, grade, and score all assessments 150
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 151
the Revised Code to be administered by city, local, exempted 152
village, and joint vocational school districts, except that each 153
district shall score any assessment administered pursuant to 154
division (B)(10) of this section. Each assessment so furnished 155
shall include the data verification code of the student to whom 156
the assessment will be administered, as assigned pursuant to 157
division (D)(2) of section 3301.0714 of the Revised Code. In 158
furnishing the practice versions of Ohio graduation tests 159
prescribed by division (D) of section 3301.0710 of the Revised 160
Code, the department shall make the tests available on its web 161
site for reproduction by districts. In awarding contracts for 162
grading assessments, the department shall give preference to 163
Ohio-based entities employing Ohio residents. 164

(2) Adopt rules for the ethical use of assessments and 165
prescribing the manner in which the assessments prescribed by 166
section 3301.0710 of the Revised Code shall be administered to 167
students. 168

(B) Except as provided in divisions (C) and (J) of this 169
section, the board of education of each city, local, and exempted 170
village school district shall, in accordance with rules adopted 171
under division (A) of this section: 172

(1) Administer the English language arts assessments 173
prescribed under division (A)(1)(a) of section 3301.0710 of the 174
Revised Code twice annually to all students in the third grade who 175
have not attained the score designated for that assessment under 176

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| division (A) (2) (b) of section 3301.0710 of the Revised Code. | 177 |
| (2) Administer the mathematics assessment prescribed under | 178 |
| division (A) (1) (a) of section 3301.0710 of the Revised Code at | 179 |
| least once annually to all students in the third grade. | 180 |
| (3) Administer the assessments prescribed under division | 181 |
| (A) (1) (b) of section 3301.0710 of the Revised Code at least once | 182 |
| annually to all students in the fourth grade. | 183 |
| (4) Administer the assessments prescribed under division | 184 |
| (A) (1) (c) of section 3301.0710 of the Revised Code at least once | 185 |
| annually to all students in the fifth grade. | 186 |
| (5) Administer the assessments prescribed under division | 187 |
| (A) (1) (d) of section 3301.0710 of the Revised Code at least once | 188 |
| annually to all students in the sixth grade. | 189 |
| (6) Administer the assessments prescribed under division | 190 |
| (A) (1) (e) of section 3301.0710 of the Revised Code at least once | 191 |
| annually to all students in the seventh grade. | 192 |
| (7) Administer the assessments prescribed under division | 193 |
| (A) (1) (f) of section 3301.0710 of the Revised Code at least once | 194 |
| annually to all students in the eighth grade. | 195 |
| (8) Except as provided in division (B) (9) of this section, | 196 |
| administer any assessment prescribed under division (B) (1) of | 197 |
| section 3301.0710 of the Revised Code as follows: | 198 |
| (a) At least once annually to all tenth grade students and at | 199 |
| least twice annually to all students in eleventh or twelfth grade | 200 |
| who have not yet attained the score on that assessment designated | 201 |
| under that division; | 202 |
| (b) To any person who has successfully completed the | 203 |
| curriculum in any high school or the individualized education | 204 |
| program developed for the person by any high school pursuant to | 205 |
| section 3323.08 of the Revised Code but has not received a high | 206 |

school diploma and who requests to take such assessment, at any 207
time such assessment is administered in the district. 208

(9) In lieu of the board of education of any city, local, or 209
exempted village school district in which the student is also 210
enrolled, the board of a joint vocational school district shall 211
administer any assessment prescribed under division (B) (1) of 212
section 3301.0710 of the Revised Code at least twice annually to 213
any student enrolled in the joint vocational school district who 214
has not yet attained the score on that assessment designated under 215
that division. A board of a joint vocational school district may 216
also administer such an assessment to any student described in 217
division (B) (8) (b) of this section. 218

(10) If the district has ~~been declared to be under an~~ 219
~~academic watch or in a state of academic emergency pursuant to~~ 220
~~section 3302.03 of the Revised Code or has~~ a three-year average 221
graduation rate of not more than seventy-five per cent, administer 222
each assessment prescribed by division (D) of section 3301.0710 of 223
the Revised Code in September to all ninth grade students, 224
beginning in the school year that starts July 1, 2005. 225

Except as provided in section 3313.614 of the Revised Code 226
for administration of an assessment to a person who has fulfilled 227
the curriculum requirement for a high school diploma but has not 228
passed one or more of the required assessments, the assessments 229
prescribed under division (B) (1) of section 3301.0710 of the 230
Revised Code and the practice assessments prescribed under 231
division (D) of that section and required to be administered under 232
divisions (B) (8), (9), and (10) of this section shall not be 233
administered after the assessment system prescribed by division 234
(B) (2) of section 3301.0710 and section 3301.0712 of the Revised 235
Code is implemented under rule of the state board adopted under 236
division (D) (1) of section 3301.0712 of the Revised Code. 237

(11) Administer the assessments prescribed by division (B) (2) 238

of section 3301.0710 and section 3301.0712 of the Revised Code in 239
accordance with the timeline and plan for implementation of those 240
assessments prescribed by rule of the state board adopted under 241
division (D) (1) of section 3301.0712 of the Revised Code. 242

(C) (1) (a) In the case of a student receiving special 243
education services under Chapter 3323. of the Revised Code, the 244
individualized education program developed for the student under 245
that chapter shall specify the manner in which the student will 246
participate in the assessments administered under this section. 247
The individualized education program may excuse the student from 248
taking any particular assessment required to be administered under 249
this section if it instead specifies an alternate assessment 250
method approved by the department of education as conforming to 251
requirements of federal law for receipt of federal funds for 252
disadvantaged pupils. To the extent possible, the individualized 253
education program shall not excuse the student from taking an 254
assessment unless no reasonable accommodation can be made to 255
enable the student to take the assessment. 256

(b) Any alternate assessment approved by the department for a 257
student under this division shall produce measurable results 258
comparable to those produced by the assessment it replaces in 259
order to allow for the student's results to be included in the 260
data compiled for a school district or building under section 261
3302.03 of the Revised Code. 262

(c) Any student enrolled in a chartered nonpublic school who 263
has been identified, based on an evaluation conducted in 264
accordance with section 3323.03 of the Revised Code or section 504 265
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 266
794, as amended, as a child with a disability shall be excused 267
from taking any particular assessment required to be administered 268
under this section if a plan developed for the student pursuant to 269
rules adopted by the state board excuses the student from taking 270

that assessment. In the case of any student so excused from taking 271
an assessment, the chartered nonpublic school shall not prohibit 272
the student from taking the assessment. 273

(2) A district board may, for medical reasons or other good 274
cause, excuse a student from taking an assessment administered 275
under this section on the date scheduled, but that assessment 276
shall be administered to the excused student not later than nine 277
days following the scheduled date. The district board shall 278
annually report the number of students who have not taken one or 279
more of the assessments required by this section to the state 280
board of education not later than the thirtieth day of June. 281

(3) As used in this division, "limited English proficient 282
student" has the same meaning as in 20 U.S.C. 7801. 283

No school district board shall excuse any limited English 284
proficient student from taking any particular assessment required 285
to be administered under this section, except that any limited 286
English proficient student who has been enrolled in United States 287
schools for less than one full school year shall not be required 288
to take any reading, writing, or English language arts assessment. 289
However, no board shall prohibit a limited English proficient 290
student who is not required to take an assessment under this 291
division from taking the assessment. A board may permit any 292
limited English proficient student to take an assessment required 293
to be administered under this section with appropriate 294
accommodations, as determined by the department. For each limited 295
English proficient student, each school district shall annually 296
assess that student's progress in learning English, in accordance 297
with procedures approved by the department. 298

The governing authority of a chartered nonpublic school may 299
excuse a limited English proficient student from taking any 300
assessment administered under this section. However, no governing 301
authority shall prohibit a limited English proficient student from 302

taking the assessment. 303

(D) (1) In the school year next succeeding the school year in 304
which the assessments prescribed by division (A) (1) or (B) (1) of 305
section 3301.0710 of the Revised Code or former division (A) (1), 306
(A) (2), or (B) of section 3301.0710 of the Revised Code as it 307
existed prior to September 11, 2001, are administered to any 308
student, the board of education of any school district in which 309
the student is enrolled in that year shall provide to the student 310
intervention services commensurate with the student's performance, 311
including any intensive intervention required under section 312
3313.608 of the Revised Code, in any skill in which the student 313
failed to demonstrate at least a score at the proficient level on 314
the assessment. 315

(2) Following any administration of the assessments 316
prescribed by division (D) of section 3301.0710 of the Revised 317
Code to ninth grade students, each school district that has a 318
three-year average graduation rate of not more than seventy-five 319
per cent shall determine for each high school in the district 320
whether the school shall be required to provide intervention 321
services to any students who took the assessments. In determining 322
which high schools shall provide intervention services based on 323
the resources available, the district shall consider each school's 324
graduation rate and scores on the practice assessments. The 325
district also shall consider the scores received by ninth grade 326
students on the English language arts and mathematics assessments 327
prescribed under division (A) (1) (f) of section 3301.0710 of the 328
Revised Code in the eighth grade in determining which high schools 329
shall provide intervention services. 330

Each high school selected to provide intervention services 331
under this division shall provide intervention services to any 332
student whose results indicate that the student is failing to make 333
satisfactory progress toward being able to attain scores at the 334

proficient level on the Ohio graduation tests. Intervention 335
services shall be provided in any skill in which a student 336
demonstrates unsatisfactory progress and shall be commensurate 337
with the student's performance. Schools shall provide the 338
intervention services prior to the end of the school year, during 339
the summer following the ninth grade, in the next succeeding 340
school year, or at any combination of those times. 341

(E) Except as provided in section 3313.608 of the Revised 342
Code and division (M) of this section, no school district board of 343
education shall utilize any student's failure to attain a 344
specified score on an assessment administered under this section 345
as a factor in any decision to deny the student promotion to a 346
higher grade level. However, a district board may choose not to 347
promote to the next grade level any student who does not take an 348
assessment administered under this section or make up an 349
assessment as provided by division (C)(2) of this section and who 350
is not exempt from the requirement to take the assessment under 351
division (C)(3) of this section. 352

(F) No person shall be charged a fee for taking any 353
assessment administered under this section. 354

(G)(1) Each school district board shall designate one 355
location for the collection of assessments administered in the 356
spring under division (B)(1) of this section and those 357
administered under divisions (B)(2) to (7) of this section. Each 358
district board shall submit the assessments to the entity with 359
which the department contracts for the scoring of the assessments 360
as follows: 361

(a) If the district's total enrollment in grades kindergarten 362
through twelve during the first full school week of October was 363
less than two thousand five hundred, not later than the Friday 364
after all of the assessments have been administered; 365

(b) If the district's total enrollment in grades kindergarten 366
through twelve during the first full school week of October was 367
two thousand five hundred or more, but less than seven thousand, 368
not later than the Monday after all of the assessments have been 369
administered; 370

(c) If the district's total enrollment in grades kindergarten 371
through twelve during the first full school week of October was 372
seven thousand or more, not later than the Tuesday after all of 373
the assessments have been administered. 374

However, any assessment that a student takes during the 375
make-up period described in division (C) (2) of this section shall 376
be submitted not later than the Friday following the day the 377
student takes the assessment. 378

(2) The department or an entity with which the department 379
contracts for the scoring of the assessment shall send to each 380
school district board a list of the individual scores of all 381
persons taking an assessment prescribed by division (A) (1) or 382
(B) (1) of section 3301.0710 of the Revised Code within sixty days 383
after its administration, but in no case shall the scores be 384
returned later than the fifteenth day of June following the 385
administration. For assessments administered under this section by 386
a joint vocational school district, the department or entity shall 387
also send to each city, local, or exempted village school district 388
a list of the individual scores of any students of such city, 389
local, or exempted village school district who are attending 390
school in the joint vocational school district. 391

(H) Individual scores on any assessments administered under 392
this section shall be released by a district board only in 393
accordance with section 3319.321 of the Revised Code and the rules 394
adopted under division (A) of this section. No district board or 395
its employees shall utilize individual or aggregate results in any 396
manner that conflicts with rules for the ethical use of 397

assessments adopted pursuant to division (A) of this section. 398

(I) Except as provided in division (G) of this section, the 399
department or an entity with which the department contracts for 400
the scoring of the assessment shall not release any individual 401
scores on any assessment administered under this section. The 402
state board of education shall adopt rules to ensure the 403
protection of student confidentiality at all times. The rules may 404
require the use of the data verification codes assigned to 405
students pursuant to division (D) (2) of section 3301.0714 of the 406
Revised Code to protect the confidentiality of student scores. 407

(J) Notwithstanding division (D) of section 3311.52 of the 408
Revised Code, this section does not apply to the board of 409
education of any cooperative education school district except as 410
provided under rules adopted pursuant to this division. 411

(1) In accordance with rules that the state board of 412
education shall adopt, the board of education of any city, 413
exempted village, or local school district with territory in a 414
cooperative education school district established pursuant to 415
divisions (A) to (C) of section 3311.52 of the Revised Code may 416
enter into an agreement with the board of education of the 417
cooperative education school district for administering any 418
assessment prescribed under this section to students of the city, 419
exempted village, or local school district who are attending 420
school in the cooperative education school district. 421

(2) In accordance with rules that the state board of 422
education shall adopt, the board of education of any city, 423
exempted village, or local school district with territory in a 424
cooperative education school district established pursuant to 425
section 3311.521 of the Revised Code shall enter into an agreement 426
with the cooperative district that provides for the administration 427
of any assessment prescribed under this section to both of the 428
following: 429

(a) Students who are attending school in the cooperative 430
district and who, if the cooperative district were not 431
established, would be entitled to attend school in the city, 432
local, or exempted village school district pursuant to section 433
3313.64 or 3313.65 of the Revised Code; 434

(b) Persons described in division (B)(8)(b) of this section. 435

Any assessment of students pursuant to such an agreement 436
shall be in lieu of any assessment of such students or persons 437
pursuant to this section. 438

(K)(1) As a condition of compliance with section 3313.612 of 439
the Revised Code, each chartered nonpublic school that educates 440
students in grades nine through twelve shall administer the 441
assessments prescribed by divisions (B)(1) and (2) of section 442
3301.0710 of the Revised Code. Any chartered nonpublic school may 443
participate in the assessment program by administering any of the 444
assessments prescribed by division (A) of section 3301.0710 of the 445
Revised Code. The chief administrator of the school shall specify 446
which assessments the school will administer. Such specification 447
shall be made in writing to the superintendent of public 448
instruction prior to the first day of August of any school year in 449
which assessments are administered and shall include a pledge that 450
the nonpublic school will administer the specified assessments in 451
the same manner as public schools are required to do under this 452
section and rules adopted by the department. 453

(2) The department of education shall furnish the assessments 454
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 455
to each chartered nonpublic school that participates under this 456
division. 457

(L)(1) The superintendent of the state school for the blind 458
and the superintendent of the state school for the deaf shall 459
administer the assessments described by sections 3301.0710 and 460

3301.0712 of the Revised Code. Each superintendent shall 461
administer the assessments in the same manner as district boards 462
are required to do under this section and rules adopted by the 463
department of education and in conformity with division (C) (1) (a) 464
of this section. 465

(2) The department of education shall furnish the assessments 466
described by sections 3301.0710 and 3301.0712 of the Revised Code 467
to each superintendent. 468

(M) Notwithstanding division (E) of this section, a school 469
district may use a student's failure to attain a score in at least 470
the proficient range on the mathematics assessment described by 471
division (A) (1) (a) of section 3301.0710 of the Revised Code or on 472
an assessment described by division (A) (1) (b), (c), (d), (e), or 473
(f) of section 3301.0710 of the Revised Code as a factor in 474
retaining that student in the current grade level. 475

(N) (1) In the manner specified in divisions (N) (3) and (4) of 476
this section, the assessments required by division (A) (1) of 477
section 3301.0710 of the Revised Code shall become public records 478
pursuant to section 149.43 of the Revised Code on the first day of 479
July following the school year that the assessments were 480
administered. 481

(2) The department may field test proposed questions with 482
samples of students to determine the validity, reliability, or 483
appropriateness of questions for possible inclusion in a future 484
year's assessment. The department also may use anchor questions on 485
assessments to ensure that different versions of the same 486
assessment are of comparable difficulty. 487

Field test questions and anchor questions shall not be 488
considered in computing scores for individual students. Field test 489
questions and anchor questions may be included as part of the 490
administration of any assessment required by division (A) (1) or 491

(B) (1) of section 3301.0710 of the Revised Code. 492

(3) Any field test question or anchor question administered 493
under division (N) (2) of this section shall not be a public 494
record. Such field test questions and anchor questions shall be 495
redacted from any assessments which are released as a public 496
record pursuant to division (N) (1) of this section. 497

(4) This division applies to the assessments prescribed by 498
division (A) of section 3301.0710 of the Revised Code. 499

(a) The first administration of each assessment, as specified 500
in former section 3301.0712 of the Revised Code, shall be a public 501
record. 502

(b) For subsequent administrations of each assessment prior 503
to the 2011-2012 school year, not less than forty per cent of the 504
questions on the assessment that are used to compute a student's 505
score shall be a public record. The department shall determine 506
which questions will be needed for reuse on a future assessment 507
and those questions shall not be public records and shall be 508
redacted from the assessment prior to its release as a public 509
record. However, for each redacted question, the department shall 510
inform each city, local, and exempted village school district of 511
the statewide academic standard adopted by the state board of 512
education under section 3301.079 of the Revised Code and the 513
corresponding benchmark to which the question relates. The 514
preceding sentence does not apply to field test questions that are 515
redacted under division (N) (3) of this section. 516

(c) The administrations of each assessment in the 2011-2012 517
school year and later shall not be a public record. 518

(5) Each assessment prescribed by division (B) (1) of section 519
3301.0710 of the Revised Code shall not be a public record. 520

(O) As used in this section: 521

(1) "Three-year average" means the average of the most recent 522
consecutive three school years of data. 523

(2) "Dropout" means a student who withdraws from school 524
before completing course requirements for graduation and who is 525
not enrolled in an education program approved by the state board 526
of education or an education program outside the state. "Dropout" 527
does not include a student who has departed the country. 528

(3) "Graduation rate" means the ratio of students receiving a 529
diploma to the number of students who entered ninth grade four 530
years earlier. Students who transfer into the district are added 531
to the calculation. Students who transfer out of the district for 532
reasons other than dropout are subtracted from the calculation. If 533
a student who was a dropout in any previous year returns to the 534
same school district, that student shall be entered into the 535
calculation as if the student had entered ninth grade four years 536
before the graduation year of the graduating class that the 537
student joins. 538

Sec. 3301.0714. (A) The state board of education shall adopt 539
rules for a statewide education management information system. The 540
rules shall require the state board to establish guidelines for 541
the establishment and maintenance of the system in accordance with 542
this section and the rules adopted under this section. The 543
guidelines shall include: 544

(1) Standards identifying and defining the types of data in 545
the system in accordance with divisions (B) and (C) of this 546
section; 547

(2) Procedures for annually collecting and reporting the data 548
to the state board in accordance with division (D) of this 549
section; 550

(3) Procedures for annually compiling the data in accordance 551

with division (G) of this section; 552

(4) Procedures for annually reporting the data to the public 553
in accordance with division (H) of this section. 554

(B) The guidelines adopted under this section shall require 555
the data maintained in the education management information system 556
to include at least the following: 557

(1) Student participation and performance data, for each 558
grade in each school district as a whole and for each grade in 559
each school building in each school district, that includes: 560

(a) The numbers of students receiving each category of 561
instructional service offered by the school district, such as 562
regular education instruction, vocational education instruction, 563
specialized instruction programs or enrichment instruction that is 564
part of the educational curriculum, instruction for gifted 565
students, instruction for students with disabilities, and remedial 566
instruction. The guidelines shall require instructional services 567
under this division to be divided into discrete categories if an 568
instructional service is limited to a specific subject, a specific 569
type of student, or both, such as regular instructional services 570
in mathematics, remedial reading instructional services, 571
instructional services specifically for students gifted in 572
mathematics or some other subject area, or instructional services 573
for students with a specific type of disability. The categories of 574
instructional services required by the guidelines under this 575
division shall be the same as the categories of instructional 576
services used in determining cost units pursuant to division 577
(C)(3) of this section. 578

(b) The numbers of students receiving support or 579
extracurricular services for each of the support services or 580
extracurricular programs offered by the school district, such as 581
counseling services, health services, and extracurricular sports 582

and fine arts programs. The categories of services required by the 583
guidelines under this division shall be the same as the categories 584
of services used in determining cost units pursuant to division 585
(C) (4) (a) of this section. 586

(c) Average student grades in each subject in grades nine 587
through twelve; 588

(d) Academic achievement levels as assessed under sections 589
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 590

(e) The number of students designated as having a disabling 591
condition pursuant to division (C) (1) of section 3301.0711 of the 592
Revised Code; 593

(f) The numbers of students reported to the state board 594
pursuant to division (C) (2) of section 3301.0711 of the Revised 595
Code; 596

(g) Attendance rates and the average daily attendance for the 597
year. For purposes of this division, a student shall be counted as 598
present for any field trip that is approved by the school 599
administration. 600

(h) Expulsion rates; 601

(i) Suspension rates; 602

(j) Dropout rates; 603

(k) Rates of retention in grade; 604

(l) For pupils in grades nine through twelve, the average 605
number of carnegie units, as calculated in accordance with state 606
board of education rules; 607

(m) Graduation rates, to be calculated in a manner specified 608
by the department of education that reflects the rate at which 609
students who were in the ninth grade three years prior to the 610
current year complete school and that is consistent with 611
nationally accepted reporting requirements; 612

(n) Results of diagnostic assessments administered to 613
kindergarten students as required under section 3301.0715 of the 614
Revised Code to permit a comparison of the academic readiness of 615
kindergarten students. However, no district shall be required to 616
report to the department the results of any diagnostic assessment 617
administered to a kindergarten student if the parent of that 618
student requests the district not to report those results. 619

(2) Personnel and classroom enrollment data for each school 620
district, including: 621

(a) The total numbers of licensed employees and nonlicensed 622
employees and the numbers of full-time equivalent licensed 623
employees and nonlicensed employees providing each category of 624
instructional service, instructional support service, and 625
administrative support service used pursuant to division (C) (3) of 626
this section. The guidelines adopted under this section shall 627
require these categories of data to be maintained for the school 628
district as a whole and, wherever applicable, for each grade in 629
the school district as a whole, for each school building as a 630
whole, and for each grade in each school building. 631

(b) The total number of employees and the number of full-time 632
equivalent employees providing each category of service used 633
pursuant to divisions (C) (4) (a) and (b) of this section, and the 634
total numbers of licensed employees and nonlicensed employees and 635
the numbers of full-time equivalent licensed employees and 636
nonlicensed employees providing each category used pursuant to 637
division (C) (4) (c) of this section. The guidelines adopted under 638
this section shall require these categories of data to be 639
maintained for the school district as a whole and, wherever 640
applicable, for each grade in the school district as a whole, for 641
each school building as a whole, and for each grade in each school 642
building. 643

(c) The total number of regular classroom teachers teaching 644

classes of regular education and the average number of pupils 645
enrolled in each such class, in each of grades kindergarten 646
through five in the district as a whole and in each school 647
building in the school district. 648

(d) The number of lead teachers employed by each school 649
district and each school building. 650

(3)(a) Student demographic data for each school district, 651
including information regarding the gender ratio of the school 652
district's pupils, the racial make-up of the school district's 653
pupils, the number of limited English proficient students in the 654
district, and an appropriate measure of the number of the school 655
district's pupils who reside in economically disadvantaged 656
households. The demographic data shall be collected in a manner to 657
allow correlation with data collected under division (B)(1) of 658
this section. Categories for data collected pursuant to division 659
(B)(3) of this section shall conform, where appropriate, to 660
standard practices of agencies of the federal government. 661

(b) With respect to each student entering kindergarten, 662
whether the student previously participated in a public preschool 663
program, a private preschool program, or a head start program, and 664
the number of years the student participated in each of these 665
programs. 666

(4) Any data required to be collected pursuant to federal 667
law. 668

(C) The education management information system shall include 669
cost accounting data for each district as a whole and for each 670
school building in each school district. The guidelines adopted 671
under this section shall require the cost data for each school 672
district to be maintained in a system of mutually exclusive cost 673
units and shall require all of the costs of each school district 674
to be divided among the cost units. The guidelines shall require 675

the system of mutually exclusive cost units to include at least 676
the following: 677

(1) Administrative costs for the school district as a whole. 678
The guidelines shall require the cost units under this division 679
(C) (1) to be designed so that each of them may be compiled and 680
reported in terms of average expenditure per pupil in formula ADM 681
in the school district, as determined pursuant to section 3317.03 682
of the Revised Code. 683

(2) Administrative costs for each school building in the 684
school district. The guidelines shall require the cost units under 685
this division (C) (2) to be designed so that each of them may be 686
compiled and reported in terms of average expenditure per 687
full-time equivalent pupil receiving instructional or support 688
services in each building. 689

(3) Instructional services costs for each category of 690
instructional service provided directly to students and required 691
by guidelines adopted pursuant to division (B) (1) (a) of this 692
section. The guidelines shall require the cost units under 693
division (C) (3) of this section to be designed so that each of 694
them may be compiled and reported in terms of average expenditure 695
per pupil receiving the service in the school district as a whole 696
and average expenditure per pupil receiving the service in each 697
building in the school district and in terms of a total cost for 698
each category of service and, as a breakdown of the total cost, a 699
cost for each of the following components: 700

(a) The cost of each instructional services category required 701
by guidelines adopted under division (B) (1) (a) of this section 702
that is provided directly to students by a classroom teacher; 703

(b) The cost of the instructional support services, such as 704
services provided by a speech-language pathologist, classroom 705
aide, multimedia aide, or librarian, provided directly to students 706

in conjunction with each instructional services category; 707

(c) The cost of the administrative support services related 708
to each instructional services category, such as the cost of 709
personnel that develop the curriculum for the instructional 710
services category and the cost of personnel supervising or 711
coordinating the delivery of the instructional services category. 712

(4) Support or extracurricular services costs for each 713
category of service directly provided to students and required by 714
guidelines adopted pursuant to division (B) (1) (b) of this section. 715
The guidelines shall require the cost units under division (C) (4) 716
of this section to be designed so that each of them may be 717
compiled and reported in terms of average expenditure per pupil 718
receiving the service in the school district as a whole and 719
average expenditure per pupil receiving the service in each 720
building in the school district and in terms of a total cost for 721
each category of service and, as a breakdown of the total cost, a 722
cost for each of the following components: 723

(a) The cost of each support or extracurricular services 724
category required by guidelines adopted under division (B) (1) (b) 725
of this section that is provided directly to students by a 726
licensed employee, such as services provided by a guidance 727
counselor or any services provided by a licensed employee under a 728
supplemental contract; 729

(b) The cost of each such services category provided directly 730
to students by a nonlicensed employee, such as janitorial 731
services, cafeteria services, or services of a sports trainer; 732

(c) The cost of the administrative services related to each 733
services category in division (C) (4) (a) or (b) of this section, 734
such as the cost of any licensed or nonlicensed employees that 735
develop, supervise, coordinate, or otherwise are involved in 736
administering or aiding the delivery of each services category. 737

(D) (1) The guidelines adopted under this section shall 738
require school districts to collect information about individual 739
students, staff members, or both in connection with any data 740
required by division (B) or (C) of this section or other reporting 741
requirements established in the Revised Code. The guidelines may 742
also require school districts to report information about 743
individual staff members in connection with any data required by 744
division (B) or (C) of this section or other reporting 745
requirements established in the Revised Code. The guidelines shall 746
not authorize school districts to request social security numbers 747
of individual students. The guidelines shall prohibit the 748
reporting under this section of a student's name, address, and 749
social security number to the state board of education or the 750
department of education. The guidelines shall also prohibit the 751
reporting under this section of any personally identifiable 752
information about any student, except for the purpose of assigning 753
the data verification code required by division (D) (2) of this 754
section, to any other person unless such person is employed by the 755
school district or the information technology center operated 756
under section 3301.075 of the Revised Code and is authorized by 757
the district or technology center to have access to such 758
information or is employed by an entity with which the department 759
contracts for the scoring of assessments administered under 760
section 3301.0711 of the Revised Code. The guidelines may require 761
school districts to provide the social security numbers of 762
individual staff members and the county of residence for a 763
student. Nothing in this section prohibits the state board of 764
education or department of education from providing a student's 765
county of residence to the department of taxation to facilitate 766
the distribution of tax revenue. 767

(2) (a) The guidelines shall provide for each school district 768
or community school to assign a data verification code that is 769
unique on a statewide basis over time to each student whose 770

initial Ohio enrollment is in that district or school and to 771
report all required individual student data for that student 772
utilizing such code. The guidelines shall also provide for 773
assigning data verification codes to all students enrolled in 774
districts or community schools on the effective date of the 775
guidelines established under this section. The assignment of data 776
verification codes for other entities, as described in division 777
(D)(2)(c) of this section, the use of those codes, and the 778
reporting and use of associated individual student data shall be 779
coordinated by the department in accordance with state and federal 780
law. 781

School districts shall report individual student data to the 782
department through the information technology centers utilizing 783
the code. The entities described in division (D)(2)(c) of this 784
section shall report individual student data to the department in 785
the manner prescribed by the department. 786

Except as provided in sections 3301.941, 3310.11, 3310.42, 787
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 788
shall the state board or the department have access to information 789
that would enable any data verification code to be matched to 790
personally identifiable student data. 791

(b) Each school district and community school shall ensure 792
that the data verification code is included in the student's 793
records reported to any subsequent school district, community 794
school, or state institution of higher education, as defined in 795
section 3345.011 of the Revised Code, in which the student 796
enrolls. Any such subsequent district or school shall utilize the 797
same identifier in its reporting of data under this section. 798

(c) The director of any state agency that administers a 799
publicly funded program providing services to children who are 800
younger than compulsory school age, as defined in section 3321.01 801
of the Revised Code, including the directors of health, job and 802

family services, mental health, and developmental disabilities, 803
shall request and receive, pursuant to sections 3301.0723 and 804
3701.62 of the Revised Code, a data verification code for a child 805
who is receiving those services. 806

(E) The guidelines adopted under this section may require 807
school districts to collect and report data, information, or 808
reports other than that described in divisions (A), (B), and (C) 809
of this section for the purpose of complying with other reporting 810
requirements established in the Revised Code. The other data, 811
information, or reports may be maintained in the education 812
management information system but are not required to be compiled 813
as part of the profile formats required under division (G) of this 814
section or the annual statewide report required under division (H) 815
of this section. 816

(F) Beginning with the school year that begins July 1, 1991, 817
the board of education of each school district shall annually 818
collect and report to the state board, in accordance with the 819
guidelines established by the board, the data required pursuant to 820
this section. A school district may collect and report these data 821
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 822

(G) The state board shall, in accordance with the procedures 823
it adopts, annually compile the data reported by each school 824
district pursuant to division (D) of this section. The state board 825
shall design formats for profiling each school district as a whole 826
and each school building within each district and shall compile 827
the data in accordance with these formats. These profile formats 828
shall: 829

(1) Include all of the data gathered under this section in a 830
manner that facilitates comparison among school districts and 831
among school buildings within each school district; 832

(2) Present the data on academic achievement levels as 833

assessed by the testing of student achievement maintained pursuant 834
to division (B)(1)(d) of this section. 835

(H)(1) The state board shall, in accordance with the 836
procedures it adopts, annually prepare a statewide report for all 837
school districts and the general public that includes the profile 838
of each of the school districts developed pursuant to division (G) 839
of this section. Copies of the report shall be sent to each school 840
district. 841

(2) The state board shall, in accordance with the procedures 842
it adopts, annually prepare an individual report for each school 843
district and the general public that includes the profiles of each 844
of the school buildings in that school district developed pursuant 845
to division (G) of this section. Copies of the report shall be 846
sent to the superintendent of the district and to each member of 847
the district board of education. 848

(3) Copies of the reports received from the state board under 849
divisions (H)(1) and (2) of this section shall be made available 850
to the general public at each school district's offices. Each 851
district board of education shall make copies of each report 852
available to any person upon request and payment of a reasonable 853
fee for the cost of reproducing the report. The board shall 854
annually publish in a newspaper of general circulation in the 855
school district, at least twice during the two weeks prior to the 856
week in which the reports will first be available, a notice 857
containing the address where the reports are available and the 858
date on which the reports will be available. 859

(I) Any data that is collected or maintained pursuant to this 860
section and that identifies an individual pupil is not a public 861
record for the purposes of section 149.43 of the Revised Code. 862

(J) As used in this section: 863

(1) "School district" means any city, local, exempted 864

village, or joint vocational school district and, in accordance 865
with section 3314.17 of the Revised Code, any community school. As 866
used in division (L) of this section, "school district" also 867
includes any educational service center or other educational 868
entity required to submit data using the system established under 869
this section. 870

(2) "Cost" means any expenditure for operating expenses made 871
by a school district excluding any expenditures for debt 872
retirement except for payments made to any commercial lending 873
institution for any loan approved pursuant to section 3313.483 of 874
the Revised Code. 875

(K) Any person who removes data from the information system 876
established under this section for the purpose of releasing it to 877
any person not entitled under law to have access to such 878
information is subject to section 2913.42 of the Revised Code 879
prohibiting tampering with data. 880

(L) (1) In accordance with division (L) (2) of this section and 881
the rules adopted under division (L) (10) of this section, the 882
department of education may sanction any school district that 883
reports incomplete or inaccurate data, reports data that does not 884
conform to data requirements and descriptions published by the 885
department, fails to report data in a timely manner, or otherwise 886
does not make a good faith effort to report data as required by 887
this section. 888

(2) If the department decides to sanction a school district 889
under this division, the department shall take the following 890
sequential actions: 891

(a) Notify the district in writing that the department has 892
determined that data has not been reported as required under this 893
section and require the district to review its data submission and 894
submit corrected data by a deadline established by the department. 895

The department also may require the district to develop a
corrective action plan, which shall include provisions for the
district to provide mandatory staff training on data reporting
procedures.

(b) Withhold up to ten per cent of the total amount of state
funds due to the district for the current fiscal year and, if not
previously required under division (L)(2)(a) of this section,
require the district to develop a corrective action plan in
accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of
the total amount of state funds due to the district for the
current fiscal year;

(d) Direct department staff or an outside entity to
investigate the district's data reporting practices and make
recommendations for subsequent actions. The recommendations may
include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting
practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent
of the total amount of state funds due to the district for the
current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data
management system;

(vi) Conduct an investigation to determine whether to suspend
or revoke the license of any district employee in accordance with
division (N) of this section;

(vii) If the district is issued a report card under section
3302.03 of the Revised Code, indicate on the report card that the

district has been sanctioned for failing to report data as 926
required by this section; 927

(viii) If the district is issued a report card under section 928
3302.03 of the Revised Code and incomplete or inaccurate data 929
submitted by the district likely caused the district to receive a 930
higher performance rating than it deserved under that section, 931
issue a revised report card for the district; 932

(ix) Any other action designed to correct the district's data 933
reporting problems. 934

(3) Any time the department takes an action against a school 935
district under division (L) (2) of this section, the department 936
shall make a report of the circumstances that prompted the action. 937
The department shall send a copy of the report to the district 938
superintendent or chief administrator and maintain a copy of the 939
report in its files. 940

(4) If any action taken under division (L) (2) of this section 941
resolves a school district's data reporting problems to the 942
department's satisfaction, the department shall not take any 943
further actions described by that division. If the department 944
withheld funds from the district under that division, the 945
department may release those funds to the district, except that if 946
the department withheld funding under division (L) (2) (c) of this 947
section, the department shall not release the funds withheld under 948
division (L) (2) (b) of this section and, if the department withheld 949
funding under division (L) (2) (d) of this section, the department 950
shall not release the funds withheld under division (L) (2) (b) or 951
(c) of this section. 952

(5) Notwithstanding anything in this section to the contrary, 953
the department may use its own staff or an outside entity to 954
conduct an audit of a school district's data reporting practices 955
any time the department has reason to believe the district has not 956

made a good faith effort to report data as required by this 957
section. If any audit conducted by an outside entity under 958
division (L) (2) (d) (i) or (5) of this section confirms that a 959
district has not made a good faith effort to report data as 960
required by this section, the district shall reimburse the 961
department for the full cost of the audit. The department may 962
withhold state funds due to the district for this purpose. 963

(6) Prior to issuing a revised report card for a school 964
district under division (L) (2) (d) (viii) of this section, the 965
department may hold a hearing to provide the district with an 966
opportunity to demonstrate that it made a good faith effort to 967
report data as required by this section. The hearing shall be 968
conducted by a referee appointed by the department. Based on the 969
information provided in the hearing, the referee shall recommend 970
whether the department should issue a revised report card for the 971
district. If the referee affirms the department's contention that 972
the district did not make a good faith effort to report data as 973
required by this section, the district shall bear the full cost of 974
conducting the hearing and of issuing any revised report card. 975

(7) If the department determines that any inaccurate data 976
reported under this section caused a school district to receive 977
excess state funds in any fiscal year, the district shall 978
reimburse the department an amount equal to the excess funds, in 979
accordance with a payment schedule determined by the department. 980
The department may withhold state funds due to the district for 981
this purpose. 982

(8) Any school district that has funds withheld under 983
division (L) (2) of this section may appeal the withholding in 984
accordance with Chapter 119. of the Revised Code. 985

(9) In all cases of a disagreement between the department and 986
a school district regarding the appropriateness of an action taken 987
under division (L) (2) of this section, the burden of proof shall 988

be on the district to demonstrate that it made a good faith effort 989
to report data as required by this section. 990

(10) The state board of education shall adopt rules under 991
Chapter 119. of the Revised Code to implement division (L) of this 992
section. 993

(M) No information technology center or school district shall 994
acquire, change, or update its student administration software 995
package to manage and report data required to be reported to the 996
department unless it converts to a student software package that 997
is certified by the department. 998

(N) The state board of education, in accordance with sections 999
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1000
license as defined under division (A) of section 3319.31 of the 1001
Revised Code that has been issued to any school district employee 1002
found to have willfully reported erroneous, inaccurate, or 1003
incomplete data to the education management information system. 1004

(O) No person shall release or maintain any information about 1005
any student in violation of this section. Whoever violates this 1006
division is guilty of a misdemeanor of the fourth degree. 1007

(P) The department shall disaggregate the data collected 1008
under division (B) (1) (n) of this section according to the race and 1009
socioeconomic status of the students assessed. No data collected 1010
under that division shall be included on the report cards required 1011
by section 3302.03 of the Revised Code. 1012

(Q) If the department cannot compile any of the information 1013
required by division ~~(C) (5)~~ (H) of section 3302.03 of the Revised 1014
Code based upon the data collected under this section, the 1015
department shall develop a plan and a reasonable timeline for the 1016
collection of any data necessary to comply with that division. 1017

Sec. 3302.01. As used in this chapter: 1018

(A) "Performance index score" means the average of the totals
derived from calculations for each subject area of English
language arts, mathematics, science, and social studies of the
weighted proportion of untested students and students scoring at
each level of skill described in division (A) (2) of section
3301.0710 of the Revised Code on the assessments prescribed by
divisions (A) and (B) (1) of that section. The department of
education shall assign weights such that students who do not take
an assessment receive a weight of zero and students who take an
assessment receive progressively larger weights dependent upon the
level of skill attained on the assessment. The department shall
~~also determine the performance index score a school district or~~
~~building needs to achieve for the purpose of the performance~~
~~ratings assigned pursuant to section 3302.03~~ assign additional
weights to students who have been permitted to pass over a grade
or subject in accordance with a student acceleration policy
adopted under section 3324.10 of the Revised Code. If such a
student attains the proficient score prescribed under division
(A) (2) (b) of section 3301.0710 of the Revised Code or higher on an
assessment, the department shall assign the student the weight
prescribed for the next higher scoring level.

Students shall be included in the "performance index score"
in accordance with division ~~(D)~~ (K) (2) of section 3302.03 of the
Revised Code.

(B) "Subgroup" means a subset of the entire student
population of the state, a school district, or a school building
and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) Limited English proficient students;

(5) Students identified as gifted under Chapter 3324. of the 1050
Revised Code; 1051

(6) Students in the lowest quintile for achievement 1052
determined by a method prescribed by the state board of education. 1053

(C) "No Child Left Behind Act of 2001" includes the statutes 1054
codified at 20 U.S.C. 6301 et seq. and any amendments thereto, 1055
rules and regulations promulgated pursuant to those statutes, 1056
guidance documents, and any other policy directives regarding 1057
implementation of that act issued by the United States department 1058
of education. 1059

(D) "Adequate yearly progress" means a measure of annual 1060
academic performance as calculated in accordance with the "No 1061
Child Left Behind Act of 2001." 1062

(E) "Supplemental educational services" means additional 1063
academic assistance, such as tutoring, remediation, or other 1064
educational enrichment activities, that is conducted outside of 1065
the regular school day by a provider approved by the department in 1066
accordance with the "No Child Left Behind Act of 2001." 1067

(F) "Value-added progress dimension" means a measure of 1068
academic gain for a student or group of students over a specific 1069
period of time that is calculated by applying a statistical 1070
methodology to individual student achievement data derived from 1071
the achievement assessments prescribed by section 3301.0710 of the 1072
Revised Code. The "value-added progress dimension" shall be 1073
developed and implemented in accordance with section 3302.021 of 1074
the Revised Code. 1075

(G) (1) "Four-year cohort graduation rate" means the 1076
percentage of students currently enrolled in a school district or 1077
building who entered ninth grade for the first time four years 1078
prior to the current school year and who earned a high school 1079
diploma by the completion of the current school year. 1080

(2) "Five-year cohort graduation rate" means the percentage 1081
of students currently enrolled in a school district or building 1082
who entered ninth grade for the first time five years prior to the 1083
current school year and who earned a high school diploma by the 1084
completion of the current school year. 1085

Sec. 3302.02. Not later than one year after the adoption of 1086
rules under division (D) of section 3301.0712 of the Revised Code 1087
and at least every sixth year thereafter, upon recommendations of 1088
the superintendent of public instruction, the state board of 1089
education shall establish a set of performance indicators that 1090
considered as a unit will be used as one of the performance 1091
categories for the report cards required by ~~division (C) of~~ 1092
section 3302.03 of the Revised Code. In establishing these 1093
indicators, the superintendent shall consider inclusion of student 1094
performance on assessments prescribed under section 3301.0710 or 1095
3301.0712 of the Revised Code, rates of student improvement on 1096
such assessments, student attendance, the breadth of coursework 1097
available within the district, and other indicators of student 1098
success. Not later than December 31, 2011, the state board, upon 1099
recommendation of the superintendent, shall establish a 1100
performance indicator reflecting the level of services provided 1101
to, and the performance of, students identified as gifted under 1102
Chapter 3324. of the Revised Code. 1103

The superintendent shall inform the Ohio accountability task 1104
~~force~~ advisory committee established under section 3302.021 of the 1105
Revised Code of the performance indicators the superintendent 1106
establishes under this section and the rationale for choosing each 1107
indicator and for determining how a school district or building 1108
meets that indicator. 1109

The superintendent shall not establish any performance 1110
indicator for passage of the third or fourth grade English 1111

language arts assessment that is solely based on the assessment 1112
given in the fall for the purpose of determining whether students 1113
have met the reading guarantee provisions of section 3313.608 of 1114
the Revised Code. 1115

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1116
later than July 1, 2007, the department of education shall 1117
implement a value-added progress dimension for school districts 1118
and buildings and shall incorporate the value-added progress 1119
dimension into the report cards and performance ratings issued for 1120
districts and buildings under section 3302.03 of the Revised Code. 1121

The state board of education shall adopt rules, pursuant to 1122
Chapter 119. of the Revised Code, for the implementation of the 1123
value-added progress dimension. In adopting rules, the state board 1124
shall consult with the Ohio accountability ~~task force~~ advisory 1125
committee established under division (E) of this section. The 1126
rules adopted under this division shall specify both of the 1127
following: 1128

(1) A scale for describing the levels of academic progress in 1129
reading and mathematics relative to a standard year of academic 1130
growth in those subjects for each of grades three through eight; 1131

(2) That the department shall maintain the confidentiality of 1132
individual student test scores and individual student reports in 1133
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1134
Revised Code and federal law. The department may require school 1135
districts to use a unique identifier for each student for this 1136
purpose. Individual student test scores and individual student 1137
reports shall be made available only to a student's classroom 1138
teacher and other appropriate educational personnel and to the 1139
student's parent or guardian. 1140

(B) The department shall use a system designed for collecting 1141
necessary data, calculating the value-added progress dimension, 1142

analyzing data, and generating reports, which system has been used 1143
previously by a nonprofit organization led by the Ohio business 1144
community for at least one year in the operation of a pilot 1145
program in cooperation with school districts to collect and report 1146
student achievement data via electronic means and to provide 1147
information to the districts regarding the academic performance of 1148
individual students, grade levels, school buildings, and the 1149
districts as a whole. 1150

(C) The department shall not pay more than two dollars per 1151
student for data analysis and reporting to implement the 1152
value-added progress dimension in the same manner and with the 1153
same services as under the pilot program described by division (B) 1154
of this section. However, nothing in this section shall preclude 1155
the department or any school district from entering into a 1156
contract for the provision of more services at a higher fee per 1157
student. Any data analysis conducted under this section by an 1158
entity under contract with the department shall be completed in 1159
accordance with timelines established by the superintendent of 1160
public instruction. 1161

(D) The department shall share any aggregate student data and 1162
any calculation, analysis, or report utilizing aggregate student 1163
data that is generated under this section with the chancellor of 1164
the Ohio board of regents. The department shall not share 1165
individual student test scores and individual student reports with 1166
the chancellor. 1167

(E) (1) There is hereby established the Ohio accountability 1168
~~task force~~ advisory committee. The ~~task force~~ advisory committee 1169
shall consist of the following ~~thirteen~~ twelve members: 1170

(a) The chairpersons ~~and ranking minority members~~ of the 1171
house of representatives and senate standing committees primarily 1172
responsible for education legislation, who shall be nonvoting 1173
members; 1174

~~(b) One representative of the governor's office, appointed by~~ 1175
~~the governor;~~ 1176

~~(e) The superintendent of public instruction, or the~~ 1177
~~superintendent's designee, who shall be a nonvoting member;~~ 1178

~~(d) One representative of teacher employee organizations~~ 1179
~~formed pursuant to Chapter 4117. of the Revised Code~~ 1180
~~(c) Three~~ 1181
~~members of the public, appointed by the speaker of the house of~~ 1182
~~representatives;~~

~~(e) One representative of school district boards of education~~ 1183
~~(d) Three members of the public, appointed by the president of the~~ 1184
~~senate;~~ 1185

~~(f) One school district superintendent~~ 1186
~~(e) Two members of the~~ 1187
~~public, appointed by the speaker of the house of representatives~~ 1188
~~governor;~~

~~(g)(f) One representative of business member of the public,~~ 1189
~~appointed by the president of the senate;~~ 1190

~~(h) One representative of a nonprofit organization led by the~~ 1191
~~Ohio business community, appointed by the governor;~~ 1192

~~(i) One school building principal, appointed by the president~~ 1193
~~of the senate;~~ 1194

~~(j) A member of the state board of education, appointed by~~ 1195
~~the speaker of the house of representatives~~ 1196
~~auditor of state.~~

~~Initial appointed members of the task force shall serve until~~ 1197
~~January 1, 2005. Thereafter, The~~ 1198
~~terms of office for appointed~~ 1199
~~members shall be for two years, each term ending on the same day~~ 1200
~~of the same month as did the term that it succeeds. Each appointed~~ 1201
~~member shall hold office from the date of appointment until the~~ 1202
~~end of the term for which the member was appointed. Members may be~~ 1203
~~reappointed. Vacancies shall be filled in the same manner as the~~ 1204
~~original appointment. Any member appointed to fill a vacancy~~

occurring prior to the expiration of the term for which the 1205
member's predecessor was appointed shall hold office for the 1206
remainder of that term. 1207

The ~~task-force~~ committee shall select from among its members 1208
a chairperson. The ~~task-force~~ committee shall meet at least once 1209
each calendar year and at other times upon the call of the 1210
chairperson to conduct its business. Members of the ~~task-force~~ 1211
committee shall serve without compensation. 1212

(2) The ~~task-force~~ committee shall do all of the following: 1213

(a) Examine the implementation of the value-added progress 1214
dimension by the department, including the system described in 1215
division (B) of this section, and the reporting of performance 1216
data to school districts and buildings, ~~and the provision of~~ 1217
~~professional development on the interpretation of the data to~~ 1218
~~classroom teachers and administrators;~~ 1219

(b) Periodically review any fees for data analysis and 1220
reporting paid by the department pursuant to division (C) of this 1221
section and determine if the fees are appropriate based upon the 1222
level of services provided; 1223

(c) Periodically report to the ~~department~~ governor, general 1224
assembly, and the state board on all issues related to the school 1225
district and building accountability system established under this 1226
chapter; 1227

(d) ~~Not later than seven years after its initial meeting,~~ 1228
~~make recommendations to improve the school district and building~~ 1229
~~accountability system established under this chapter. The task~~ 1230
~~force~~ committee shall adopt recommendations on improving the 1231
school district and building accountability system established 1232
under this chapter by a majority vote of its members. Copies of 1233
the recommendations shall be provided to the state board, the 1234
governor, the speaker of the house of representatives, and the 1235

president of the senate. 1236

~~(e) Determine starting dates for the implementation of the 1237
value added progress dimension and its incorporation into school 1238
district and building report cards and performance ratings. 1239~~

(F) The superintendent of public instruction annually shall 1240
submit to the Ohio accountability advisory committee a summary of 1241
the report cards issued under sections 3302.03 and 3314.017 of the 1242
Revised Code. 1243

~~Sec. 3302.03. (A) Annually the department of education shall 1244
report for each school district and each school building in a 1245
district all of the following. 1246~~

~~(1) The extent to which the school district or building meets 1247
each of the applicable performance indicators created by the state 1248
board of education under section 3302.02 of the Revised Code and 1249
the number of applicable performance indicators that have been 1250
achieved. 1251~~

~~(2) The performance index score of the school district or 1252
building. 1253~~

~~(3) Whether the school district or building has made adequate 1254
yearly progress. 1255~~

~~(4) Whether the school district or building is excellent, 1256
effective, needs continuous improvement, is under an academic 1257
watch, or is in a state of academic emergency. 1258~~

~~(B) Except as otherwise provided in division (B) (6) of this 1259
section. 1260~~

~~(1) A school district or building shall be declared excellent 1261
if it meets at least ninety four per cent of the applicable state 1262
performance indicators or has a performance index score 1263
established by the department, except that if it does not make 1264
adequate yearly progress for two or more of the same subgroups for 1265~~

~~three or more consecutive years, it shall be declared effective.~~ 1266

~~(2) A school district or building shall be declared effective 1267
if it meets at least seventy-five per cent but less than 1268
ninety-four per cent of the applicable state performance 1269
indicators or has a performance index score established by the 1270
department, except that if it does not make adequate yearly 1271
progress for two or more of the same subgroups for three or more 1272
consecutive years, it shall be declared in need of continuous 1273
improvement. 1274~~

~~(3) A school district or building shall be declared to be in 1275
need of continuous improvement if it fulfills one of the following 1276
requirements. 1277~~

~~(a) It makes adequate yearly progress, meets less than 1278
seventy-five per cent of the applicable state performance 1279
indicators, and has a performance index score established by the 1280
department. 1281~~

~~(b) It does not make adequate yearly progress and either 1282
meets at least fifty per cent but less than seventy five per cent 1283
of the applicable state performance indicators or has a 1284
performance index score established by the department. 1285~~

~~(4) A school district or building shall be declared to be 1286
under an academic watch if it does not make adequate yearly 1287
progress and either meets at least thirty one per cent but less 1288
than fifty per cent of the applicable state performance indicators 1289
or has a performance index score established by the department. 1290~~

~~(5) A school district or building shall be declared to be in 1291
a state of academic emergency if it does not make adequate yearly 1292
progress, does not meet at least thirty one per cent of the 1293
applicable state performance indicators, and has a performance 1294
index score established by the department. 1295~~

~~(6) Division (B)(6) of this section does not apply to any 1296~~

~~community school established under Chapter 3314, of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program.~~

~~A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code.~~

~~(C) (1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress.~~

~~(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the~~

~~district on any performance indicator.~~ 1329

~~(3) Annually, the department of education shall assign a 1330
letter grade for overall academic performance and for each 1331
separate performance measure to create a performance profile for 1332
each school district, and each school building in a district, in 1333
accordance with this section. The state board shall adopt 1334
performance criteria for each letter grade and prescribe a method 1335
by which the department assigns each letter grade. The department 1336
shall issue annual report cards reflecting the performance profile 1337
of each school district, each building within each district, and 1338
for the state as a whole using the performance measures and letter 1339
grade system described in this section. The department shall 1340
include on the report card for each district information 1341
pertaining to any change from the previous year made by the school 1342
district or school buildings within the district on any 1343
performance measure. 1344~~

~~(A) (1) For the 2012-2013 school year, the department shall 1345
issue grades as described in division (E) of this section for each 1346
of the following performance measures: 1347~~

~~(a) Annual measurable objectives (AMO) to determine if a 1348
school district or building is making adequate yearly progress in 1349
closing achievement gaps between students of different subgroups; 1350~~

~~(b) Performance index score for a school district or 1351
building. Grades shall be awarded as a percentage of the total 1352
possible points on the performance index system as adopted by the 1353
state board. In adopting benchmarks for assigning letter grades 1354
under division (A) (1) (b) of this section, the state board of 1355
education shall designate ninety-two per cent or higher for an 1356
"A." 1357~~

~~(c) The extent to which the school district or building meets 1358
each of the applicable performance indicators established by the 1359~~

state board under section 3302.02 of the Revised Code and the 1360
percentage of applicable performance indicators that have been 1361
achieved. In adopting benchmarks for assigning letter grades under 1362
division (A) (1) (c) of this section, the state board shall 1363
designate ninety-two per cent or higher for an "A." 1364

(d) The four- and five-year cohort graduation rates, based on 1365
an analysis of data from at least three years. 1366

In adopting benchmarks for assigning letter grades under 1367
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1368
department shall designate a four- and five-year cohort graduation 1369
rate of ninety per cent or higher for an "A." 1370

(e) The overall score under the value-added progress 1371
dimension of a school district or building, for which the 1372
department may use at least two years of value-added data as 1373
available. The letter grade assigned for this growth measure shall 1374
be as follows: 1375

(i) A score that is at least two standard deviations above 1376
the mean score shall be designated as an "A." 1377

(ii) A score that is at least one standard deviation but less 1378
than two standard deviations above the mean score shall be 1379
designated as a "B." 1380

(iii) A score that is less than one standard deviation above 1381
the mean score but greater than or equal to one standard deviation 1382
below the mean score shall be designated as a "C." 1383

(iv) A score that is not greater than one standard deviation 1384
below the mean score but is greater than two standard deviations 1385
below the mean score shall be designated as a "D." 1386

(v) A score that is two standard deviations below the mean 1387
score or less shall be designated as an "F." 1388

Whenever the value-added progress dimension is used as a 1389

graded performance measure, whether as an overall measure or as a 1390
measure of separate subgroups, the grades for the measure shall be 1391
calculated in the same manner as prescribed in division (A)(1)(e) 1392
of this section. 1393

(f) The rate of participation and average score among 1394
students enrolled in a district or building on a national 1395
standardized test for college admission, selected by the state 1396
board. In adopting benchmarks for assigning letter grades under 1397
divisions (A)(1)(f), (B)(1)(f), and (C)(1)(f) of this section, the 1398
department shall designate as the benchmark for a "C" attainment 1399
of at least both of the following: 1400

(i) A fifty per cent participation rate among eligible 1401
students. The state board shall define a method by which to 1402
calculate the participation rate and the meaning of the term 1403
"eligible student." 1404

(ii) An average district or building composite score that is 1405
the equivalent of the state mean composite score on the test. 1406

(g) The percentage of a district's or building's students who 1407
enroll in institutions of higher education in the state and who 1408
are determined not to be college-ready. The chancellor of the Ohio 1409
board of regents shall prescribe a method for determining college 1410
readiness. 1411

(2) In addition to the graded measures in division (A)(1) of 1412
this section, the department shall include on a school district's 1413
or building's report card all of the following without an assigned 1414
letter grade: 1415

(a) The rate of participation among students enrolled in a 1416
district or building in advanced placement classes and the 1417
percentage of those students who receive a score of three or 1418
better on advanced placement examinations; 1419

(b) The number of high school and college credits a 1420

district's or building's students have earned in that school year 1421
through dual enrollment programs, such as the post-secondary 1422
enrollment options program under Chapter 3365. of the Revised Code 1423
and federal career-technical dual enrollment programs, that appear 1424
on a student's post-secondary transcript or other official 1425
document, either of which is issued by the institution of higher 1426
education from which the student earned the college credit; 1427

(c) The value-added progress dimension score for a school 1428
district or building disaggregated for students identified as 1429
gifted, students with disabilities, and students whose performance 1430
places them in the lowest quintile for achievement. 1431

(3) Not later than April 30, 2013, the state board of 1432
education shall adopt rules in accordance with Chapter 119. of the 1433
Revised Code that prescribe the methods by which the performance 1434
measures under division (A)(1) of this section shall be assessed 1435
and assigned a letter grade, including performance benchmarks for 1436
each letter grade. 1437

(4) There shall not be an overall letter grade for a school 1438
district or building for the 2012-2013 school year. 1439

(B)(1) For the 2013-2014 school year, the department shall 1440
issue grades as described in division (E) of this section for each 1441
of the following performance measures: 1442

(a) Annual measurable objectives (AMO) to determine if a 1443
school district or building is making adequate yearly progress in 1444
closing achievement gaps between students of different subgroups; 1445

(b) Performance index score for a school district or 1446
building. Grades shall be awarded as a percentage of the total 1447
possible points on the performance index system as created by the 1448
department. In adopting benchmarks for assigning letter grades 1449
under division (B)(1)(b) of this section, the state board shall 1450
designate ninety-two per cent or higher for an "A." 1451

(c) The extent to which the school district or building meets 1452
each of the applicable performance indicators established by the 1453
state board under section 3302.03 of the Revised Code and the 1454
percentage of applicable performance indicators that have been 1455
achieved. In adopting benchmarks for assigning letter grades under 1456
division (B)(1)(c) of this section, the state board shall 1457
designate ninety-two per cent or higher for an "A." 1458

(d) The four- and five-year cohort graduation rates, based on 1459
an analysis of data from at least three years; 1460

(e) The overall score under the value-added progress 1461
dimension of a school district or building, for which the 1462
department may use at least two years of value-added data as 1463
available. 1464

(f) The rate of participation and average score among 1465
students enrolled in a district or building on a national 1466
standardized test for college admission, selected by the state 1467
board; 1468

(g) The percentage of a district's or building's students who 1469
enroll in institutions of higher education in the state and who 1470
are determined not to be college-ready, as determined by the 1471
chancellor; 1472

(h) The rate of participation among students enrolled in a 1473
district or building in advanced placement classes and the 1474
percentage of those students who receive a score of three or 1475
better on advanced placement examinations; 1476

(i) The value-added progress dimension score for a school 1477
district or building disaggregated for students identified as 1478
gifted, students with disabilities, and students whose performance 1479
places them in the lowest quintile for achievement; 1480

(j) Whether a school district or building is making progress 1481
in improving literacy in grades kindergarten through three, as 1482

determined using a method prescribed by the state board. In 1483
adopting letter grades under division (B)(1)(j) of this section, 1484
the state board shall designate for a "C" grade a value that is 1485
not lower than the statewide average value for this measure. 1486

(2) In addition to the graded measures in division (B)(1) of 1487
this section, the department shall include on a school district's 1488
or building's report card both of the following without an 1489
assigned letter grade: 1490

(a) The number of high school and college credits a 1491
district's or building's students have earned in that school year 1492
through dual enrollment programs, such as the post-secondary 1493
enrollment options program under Chapter 3365. of the Revised Code 1494
and federal career-technical dual enrollment programs, that appear 1495
on a student's transcript or other official document, either of 1496
which is issued by the institution of higher education from which 1497
the student earned the college credit; 1498

(b) The results of the college and career-ready assessments 1499
administered under division (B)(1) of section 3301.0712 of the 1500
Revised Code. 1501

(3) Not later than December 31, 2013, the state board shall 1502
adopt rules in accordance with Chapter 119. of the Revised Code 1503
that prescribe the methods by which the performance measures under 1504
division (B)(1) of this section will be assessed and assigned a 1505
letter grade, including performance benchmarks for each grade. 1506

(4) There shall not be an overall letter grade for a school 1507
district or building for the 2013-2014 school year. 1508

(C)(1) For the 2014-2015 school year and each school year 1509
thereafter, the department shall issue grades as described in 1510
division (E) of this section for each of the following performance 1511
measures and an overall letter grade based on an aggregate of 1512
those measures: 1513

(a) Annual measurable objectives (AMO) to determine if a 1514
school district or building is making adequate yearly progress in 1515
closing achievement gaps between students of different subgroups; 1516

(b) Performance index score for a school district or 1517
building. Grades shall be awarded as a percentage of the total 1518
possible points on the performance index system as created by the 1519
department. In adopting benchmarks for assigning letter grades 1520
under division (C)(1)(b) of this section, the state board shall 1521
designate ninety-two per cent or higher for an "A." 1522

(c) The extent to which the school district or building meets 1523
each of the applicable performance indicators established by the 1524
state board under section 3302.03 of the Revised Code and the 1525
percentage of applicable performance indicators that have been 1526
achieved. In adopting benchmarks for assigning letter grades under 1527
division (C)(1)(c) of this section, the state board shall 1528
designate ninety-two per cent or higher for an "A." 1529

(d) The four- and five-year cohort graduation rates, based on 1530
an analysis of data from at least three years; 1531

(e) The overall score under the value-added progress 1532
dimension, or another measure of student academic progress adopted 1533
by the state board, of a school district or building, for which 1534
the department may use at least two years of value-added data as 1535
available. 1536

For the metric prescribed by division (C)(1)(e) of this 1537
section, the state board may adopt a student academic progress 1538
measure to be used instead of the value-added progress dimension. 1539
If the state board adopts such a measure, it also shall prescribe 1540
a method for assigning letter grades for the new measure that is 1541
comparable to the method prescribed in division (A)(1)(e) of this 1542
section. 1543

(f) The rate of participation and average score among 1544

students enrolled in a district or building on a national 1545
standardized test for college admission, selected by the state 1546
board; 1547

(g) The percentage of a district's or building's students who 1548
enroll in institutions of higher education in the state who are 1549
determined not to be college-ready as determined by the 1550
chancellor; 1551

(h) The rate of participation among students enrolled in a 1552
district or building in advanced placement classes and the 1553
percentage of those students who receive a score of three or 1554
better on advanced placement examinations; 1555

(i) The value-added progress dimension score of a school 1556
district or building disaggregated for students identified as 1557
gifted, students with disabilities, and students whose performance 1558
places them in the lowest quintile for achievement, as determined 1559
by a method prescribed by the state board. 1560

The state board may adopt student academic progress measures 1561
to be used instead of the value-added progress dimension. If the 1562
state board adopts such measures, it also shall prescribe a method 1563
for assigning letter grades for the new measures that is 1564
comparable to the method prescribed in division (A) (1) (e) of this 1565
section. 1566

(j) The number of high school and college credits students 1567
enrolled in a district or building have earned through dual 1568
enrollment programs, such as the post-secondary enrollment options 1569
program under Chapter 3365. of the Revised Code and federal 1570
career-technical dual enrollment programs, that appear on a 1571
student's transcript or other official document, either of which 1572
is issued by the institution of higher education from which the 1573
student earned the college credit; 1574

(k) Whether a school district or building is making progress 1575

in improving literacy in grades kindergarten through three, as 1576
determined using a method prescribed by the state board. In 1577
adopting benchmarks for assigning letter grades under division 1578
(C)(1)(k) of this section, the state board shall designate for a 1579
"C" grade a value that is not lower than the statewide average 1580
value for this measure. 1581

(1) The results of the college and career-ready assessments 1582
administered under division (B)(1) of section 3301.0712 of the 1583
Revised Code. 1584

(2) For the 2014-2015 school year and each school year 1585
thereafter, the department shall create a performance profile that 1586
includes an overall letter grade assigned to a school district or 1587
building using each metric prescribed by division (C)(1) of this 1588
section on a multi-point scale of values for the letter grades 1589
adopted by the state board. The department shall determine, using 1590
a method prescribed by rule adopted by the state board, an overall 1591
performance letter grade for each school district and building 1592
based on each rating category prescribed in division (C)(1) of 1593
this section. Not later than December 31, 2014, the state board of 1594
education shall adopt rules in accordance with Chapter 119. of the 1595
Revised Code that prescribe the methods by which an overall grade 1596
shall be determined under this section, including performance 1597
benchmarks. 1598

(D) Not later than July 1, 2015, the state board shall 1599
develop a measure of student academic progress for high school 1600
students. Beginning with the report card for the 2015-2016 school 1601
year, each school district and applicable school building shall be 1602
assigned a separate letter grade for this measure and the 1603
district's or building's grade for that measure shall be included 1604
in determining the district's or building's performance profile 1605
and overall letter grade. 1606

(E) The letter grades assigned to a school district or 1607

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|---|----------------------|
| <u>building under this section shall be as follows:</u> | 1608 |
| <u>(1) "A" for a district or school making excellent progress;</u> | 1609 |
| <u>(2) "B" for a district or school making above average</u> <u>progress;</u> | 1610 1611 |
| <u>(3) "C" for a district or school making average progress;</u> | 1612 |
| <u>(4) "D" for a district or school making below average</u> <u>progress;</u> | 1613 1614 |
| <u>(5) "F" for a district or school failing to meet minimum</u> <u>progress.</u> | 1615 1616 |
| <u>(F) When reporting data on student performance achievement</u> <u>and progress, the department shall disaggregate that data</u> <u>according to the following categories:</u> | 1617 1618 1619 |
| (a) <u>(1) Performance of students by age-group grade-level;</u> | 1620 |
| (b) <u>(2) Performance of students by race and ethnic group;</u> | 1621 |
| (c) <u>(3) Performance of students by gender;</u> | 1622 |
| (d) <u>(4) Performance of students grouped by those who have been</u> <u>enrolled in a district or school for three or more years;</u> | 1623 1624 |
| (e) <u>(5) Performance of students grouped by those who have been</u> <u>enrolled in a district or school for more than one year and less</u> <u>than three years;</u> | 1625 1626 1627 |
| (f) <u>(6) Performance of students grouped by those who have been</u> <u>enrolled in a district or school for one year or less;</u> | 1628 1629 |
| (g) <u>(7) Performance of students grouped by those who are</u> <u>economically disadvantaged;</u> | 1630 1631 |
| (h) <u>(8) Performance of students grouped by those who are</u> <u>enrolled in a conversion community school established under</u> <u>Chapter 3314. of the Revised Code;</u> | 1632 1633 1634 |
| (i) <u>(9) Performance of students grouped by those who are</u> | 1635 |

classified as limited English proficient; 1636

~~(j)~~(10) Performance of students grouped by those who have 1637
disabilities; 1638

~~(k)~~(11) Performance of students grouped by those who are 1639
classified as migrants; 1640

~~(l)~~(12) Performance of students grouped by those who are 1641
identified as gifted pursuant to Chapter 3324. of the Revised 1642
Code; 1643

(13) Performance of students grouped by those who perform in 1644
the lowest quintile for achievement, as determined by a method 1645
prescribed by the state board. 1646

The department may disaggregate data on student performance 1647
according to other categories that the department determines are 1648
appropriate. To the extent possible, the department shall 1649
disaggregate data on student performance according to any 1650
combinations of two or more of the categories listed in divisions 1651
~~(C)(3)(a)(F)(1)~~ to ~~(l)(13)~~ of this section that it deems relevant. 1652

In reporting data pursuant to division ~~(C)(3)(F)~~ of this 1653
section, the department shall not include in the report cards any 1654
data statistical in nature that is statistically unreliable or 1655
that could result in the identification of individual students. 1656
For this purpose, the department shall not report student 1657
performance data for any group identified in division ~~(C)(3)(F)~~ of 1658
this section that contains less than ten students. If the 1659
department does not report student performance data for a group 1660
because it contains less than ten students, the department shall 1661
indicate on the report card that is why data was not reported. 1662

~~(4)~~(G) The department may include with the report cards any 1663
additional education and fiscal performance data it deems 1664
valuable. 1665

~~(5)~~(H) The department shall include on each report card a
list of additional information collected by the department that is
available regarding the district or building for which the report
card is issued. When available, such additional information shall
include student mobility data disaggregated by race and
socioeconomic status, college enrollment data, and the reports
prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web.
The report card shall include the address of the site and shall
specify that such additional information is available to the
public at that site. The department shall also provide a copy of
each item on the list to the superintendent of each school
district. The district superintendent shall provide a copy of any
item on the list to anyone who requests it.

~~(6)~~(I) Division ~~(C)~~~~(6)~~(I) of this section does not apply to
conversion community schools that primarily enroll students
between sixteen and twenty-two years of age who dropped out of
high school or are at risk of dropping out of high school due to
poor attendance, disciplinary problems, or suspensions.

~~(a)~~(1) For any district that sponsors a conversion community
school under Chapter 3314. of the Revised Code, the department
shall combine data regarding the academic performance of students
enrolled in the community school with comparable data from the
schools of the district for the purpose of ~~calculating~~ determining
the performance of the district as a whole on the report card
issued for the district under this section or section 3302.033 of
the Revised Code.

~~(b)~~(2) Any district that leases a building to a community
school located in the district or that enters into an agreement
with a community school located in the district whereby the
district and the school endorse each other's programs may elect to
have data regarding the academic performance of students enrolled

in the community school combined with comparable data from the 1698
schools of the district for the purpose of ~~calculating~~ determining 1699
the performance of the district as a whole on the district report 1700
card. Any district that so elects shall annually file a copy of 1701
the lease or agreement with the department. 1702

~~(e)~~(3) Any municipal school district, as defined in section 1703
3311.71 of the Revised Code, that sponsors a community school 1704
located within the district's territory, or that enters into an 1705
agreement with a community school located within the district's 1706
territory whereby the district and the community school endorse 1707
each other's programs, may exercise either or both of the 1708
following elections: 1709

~~(i)~~(a) To have data regarding the academic performance of 1710
students enrolled in that community school combined with 1711
comparable data from the schools of the district for the purpose 1712
of ~~calculating~~ determining the performance of the district as a 1713
whole on the district's report card; 1714

~~(ii)~~(b) To have the number of students attending that 1715
community school noted separately on the district's report card. 1716

The election authorized under division ~~(c)~~(6)~~(e)~~(i)~~(1)~~(3)~~(a)~~ 1717
of this section is subject to approval by the governing authority 1718
of the community school. 1719

Any municipal school district that exercises an election to 1720
combine or include data under division ~~(c)~~(6)~~(e)~~(i)~~(1)~~(3) of this 1721
section, by the first day of October of each year, shall file with 1722
the department documentation indicating eligibility for that 1723
election, as required by the department. 1724

~~(7)~~(j) The department shall include on each report card the 1725
percentage of teachers in the district or building who are highly 1726
qualified, as defined by the "No Child Left Behind Act of 2001," 1727
and a comparison of that percentage with the percentages of such 1728

teachers in similar districts and buildings. 1729

~~(8) The department shall include on the report card the 1730
number of lead teachers employed by each district and each 1731
building once the data is available from the education management 1732
information system established under section 3301.0714 of the 1733
Revised Code. 1734~~

~~(D)~~(K)(1) In calculating English language arts, mathematics, 1735
social studies, or science assessment passage rates used to 1736
determine school district or building performance under this 1737
section, the department shall include all students taking an 1738
assessment with accommodation or to whom an alternate assessment 1739
is administered pursuant to division (C)(1) or (3) of section 1740
3301.0711 of the Revised Code. 1741

(2) In calculating performance index scores, rates of 1742
achievement on the performance indicators established by the state 1743
board under section 3302.02 of the Revised Code, and annual 1744
measurable objectives for determining adequate yearly progress for 1745
school districts and buildings under this section, the department 1746
shall do all of the following: 1747

(a) Include for each district or building only those students 1748
who are included in the ADM certified for the first full school 1749
week of October and are continuously enrolled in the district or 1750
building through the time of the spring administration of any 1751
assessment prescribed by division (A)(1) or (B)(1) of section 1752
3301.0710 of the Revised Code that is administered to the 1753
student's grade level; 1754

(b) Include cumulative totals from both the fall and spring 1755
administrations of the third grade English language arts 1756
achievement assessment; 1757

(c) Except as required by the "No Child Left Behind Act of 1758
2001" ~~for the calculation of adequate yearly progress,~~ exclude 1759

for each district or building any limited English proficient 1760
student who has been enrolled in United States schools for less 1761
than one full school year. 1762

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 1763
section, for the 2014-2015 school year, and for each school year 1764
thereafter, when a provision refers to a school district or school 1765
building in a state of academic emergency, it shall mean a 1766
district or building rated "F"; when a provision refers to a 1767
school district or school building under an academic watch, it 1768
shall mean a district or building rated "D"; and when a provision 1769
refers to a school district or school building in need of 1770
continuous improvement, it shall mean a district or building rated 1771
"C" as those letter grade ratings for overall performance are 1772
assigned under division (C)(2) of section 3302.03 of the Revised 1773
Code, as it exists on or after the effective date of this 1774
amendment. 1775

(A) The department of education shall establish a system of 1776
intensive, ongoing support for the improvement of school districts 1777
and school buildings. In accordance with the model of 1778
differentiated accountability described in section 3302.041 of the 1779
Revised Code, the system shall give priority to the following: 1780

(1) For any school year prior to the 2012-2013 school year, 1781
districts and buildings that have been declared to be under an 1782
academic watch or in a state of academic emergency under section 1783
3302.03 of the Revised Code ~~and;~~ 1784

(2) For the 2012-2013 school year, and for each school year 1785
thereafter, districts and buildings that have received a rating of 1786
"F" for the performance index score or a rating of "D" or "F" for 1787
the value-added progress dimension under section 3302.03 of the 1788
Revised Code. 1789

The system shall include services provided to districts and 1790

buildings through regional service providers, such as educational 1791
service centers. 1792

(B) This division does not apply to any school district after 1793
June 30, 2008. 1794

When a school district has been notified by the department 1795
pursuant to ~~division (A)~~ of section 3302.03 of the Revised Code 1796
that the district or a building within the district has failed to 1797
make adequate yearly progress for two consecutive school years, 1798
the district shall develop a three-year continuous improvement 1799
plan for the district or building containing each of the 1800
following: 1801

(1) An analysis of the reasons for the failure of the 1802
district or building to meet any of the applicable performance 1803
indicators established under section 3302.02 of the Revised Code 1804
that it did not meet and an analysis of the reasons for its 1805
failure to make adequate yearly progress; 1806

(2) Specific strategies that the district or building will 1807
use to address the problems in academic achievement identified in 1808
division (B)(1) of this section; 1809

(3) Identification of the resources that the district will 1810
allocate toward improving the academic achievement of the district 1811
or building; 1812

(4) A description of any progress that the district or 1813
building made in the preceding year toward improving its academic 1814
achievement; 1815

(5) An analysis of how the district is utilizing the 1816
professional development standards adopted by the state board 1817
pursuant to section 3319.61 of the Revised Code; 1818

(6) Strategies that the district or building will use to 1819
improve the cultural competency, as defined pursuant to section 1820

3319.61 of the Revised Code, of teachers and other educators. 1821

No three-year continuous improvement plan shall be developed 1822
or adopted pursuant to this division unless at least one public 1823
hearing is held within the affected school district or building 1824
concerning the final draft of the plan. Notice of the hearing 1825
shall be given two weeks prior to the hearing by publication in 1826
one newspaper of general circulation within the territory of the 1827
affected school district or building. Copies of the plan shall be 1828
made available to the public. 1829

(C) ~~When~~ (1) For any school year prior to the school year 1830
that begins on July 1, 2012, when a school district or building 1831
has been notified by the department pursuant to ~~division (A) of~~ 1832
section 3302.03 of the Revised Code that the district or building 1833
is under an academic watch or in a state of academic emergency, 1834
the district or building shall be subject to any rules 1835
establishing intervention in academic watch or emergency school 1836
districts or buildings. 1837

(2) For the 2012-2013 school year, and for each school year 1838
thereafter, when a district or building has been notified by the 1839
department pursuant to section 3302.03 of the Revised Code that 1840
the district or building has received a rating of "F" for the 1841
number of performance indicators met, a rating of "F" for the 1842
performance index score, or a rating of "D" or "F" for the 1843
value-added progress dimension, the district or building shall be 1844
subject to any rules establishing intervention in such districts 1845
or buildings. 1846

(D) ~~(1) Within~~ For any school year prior to the 2012-2013 1847
school year, within one hundred twenty days after any school 1848
district or building is declared to be in a state of academic 1849
emergency under section 3302.03 of the Revised Code, the 1850
department may initiate a site evaluation of the building or 1851
school district. 1852

(2) For the 2012-2013 school year, and for each school year 1853
thereafter, within one hundred twenty days after any school 1854
district or building has received a rating of "F" for the 1855
performance index score or received a rating of "D" or "F" for the 1856
value-added progress dimension under section 3302.03 of the 1857
Revised Code, the department may initiate a site evaluation of the 1858
building or school district. 1859

(3) Division (D) ~~(2)~~ (3) of this section does not apply to any 1860
school district after June 30, 2008. 1861

If any school district that is declared to be in a state of 1862
academic emergency or in a state of academic watch under section 1863
3302.03 of the Revised Code or encompasses a building that is 1864
declared to be in a state of academic emergency or in a state of 1865
academic watch fails to demonstrate to the department satisfactory 1866
improvement of the district or applicable buildings or fails to 1867
submit to the department any information required under rules 1868
established by the state board of education, prior to approving a 1869
three-year continuous improvement plan under rules established by 1870
the state board of education, the department shall conduct a site 1871
evaluation of the school district or applicable buildings to 1872
determine whether the school district is in compliance with 1873
minimum standards established by law or rule. 1874

(3) Site evaluations conducted under divisions (D) (1) and, 1875
(2), and (3) of this section shall include, but not be limited to, 1876
the following: 1877

(a) Determining whether teachers are assigned to subject 1878
areas for which they are licensed or certified; 1879

(b) Determining pupil-teacher ratios; 1880

(c) Examination of compliance with minimum instruction time 1881
requirements for each school day and for each school year; 1882

(d) Determining whether materials and equipment necessary to 1883

implement the curriculum approved by the school district board are 1884
available; 1885

(e) Examination of whether the teacher and principal 1886
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 1887
and 3319.111 of the Revised Code; 1888

(f) Examination of the adequacy of efforts to improve the 1889
cultural competency, as defined pursuant to section 3319.61 of the 1890
Revised Code, of teachers and other educators. 1891

(E) This division applies only to school districts that 1892
operate a school building that fails to make adequate yearly 1893
progress for two or more consecutive school years. It does not 1894
apply to any such district after June 30, 2008, except as provided 1895
in division (D)(2) of section 3313.97 of the Revised Code. 1896

(1) For any school building that fails to make adequate 1897
yearly progress for two consecutive school years, the district 1898
shall do all of the following: 1899

(a) Provide written notification of the academic issues that 1900
resulted in the building's failure to make adequate yearly 1901
progress to the parent or guardian of each student enrolled in the 1902
building. The notification shall also describe the actions being 1903
taken by the district or building to improve the academic 1904
performance of the building and any progress achieved toward that 1905
goal in the immediately preceding school year. 1906

(b) If the building receives funds under Title I, Part A of 1907
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1908
6311 to 6339, from the district, in accordance with section 1909
3313.97 of the Revised Code, offer all students enrolled in the 1910
building the opportunity to enroll in an alternative building 1911
within the district that is not in school improvement status as 1912
defined by the "No Child Left Behind Act of 2001." Notwithstanding 1913
Chapter 3327. of the Revised Code, the district shall spend an 1914

amount equal to twenty per cent of the funds it receives under 1915
Title I, Part A of the "Elementary and Secondary Education Act of 1916
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 1917
students who enroll in alternative buildings under this division, 1918
unless the district can satisfy all demand for transportation with 1919
a lesser amount. If an amount equal to twenty per cent of the 1920
funds the district receives under Title I, Part A of the 1921
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1922
to 6339, is insufficient to satisfy all demand for transportation, 1923
the district shall grant priority over all other students to the 1924
lowest achieving students among the subgroup described in division 1925
(B)(3) of section 3302.01 of the Revised Code in providing 1926
transportation. Any district that does not receive funds under 1927
Title I, Part A of the "Elementary and Secondary Education Act of 1928
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 1929
transportation to any student who enrolls in an alternative 1930
building under this division. 1931

(2) For any school building that fails to make adequate 1932
yearly progress for three consecutive school years, the district 1933
shall do both of the following: 1934

(a) If the building receives funds under Title I, Part A of 1935
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1936
6311 to 6339, from the district, in accordance with section 1937
3313.97 of the Revised Code, provide all students enrolled in the 1938
building the opportunity to enroll in an alternative building 1939
within the district that is not in school improvement status as 1940
defined by the "No Child Left Behind Act of 2001." Notwithstanding 1941
Chapter 3327. of the Revised Code, the district shall provide 1942
transportation for students who enroll in alternative buildings 1943
under this division to the extent required under division (E)(2) 1944
of this section. 1945

(b) If the building receives funds under Title I, Part A of 1946

the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1947
6311 to 6339, from the district, offer supplemental educational 1948
services to students who are enrolled in the building and who are 1949
in the subgroup described in division (B) (3) of section 3302.01 of 1950
the Revised Code. 1951

The district shall spend a combined total of an amount equal 1952
to twenty per cent of the funds it receives under Title I, Part A 1953
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 1954
6311 to 6339, to provide transportation for students who enroll in 1955
alternative buildings under division (E) (1) (b) or (E) (2) (a) of 1956
this section and to pay the costs of the supplemental educational 1957
services provided to students under division (E) (2) (b) of this 1958
section, unless the district can satisfy all demand for 1959
transportation and pay the costs of supplemental educational 1960
services for those students who request them with a lesser amount. 1961
In allocating funds between the requirements of divisions 1962
(E) (1) (b) and (E) (2) (a) and (b) of this section, the district 1963
shall spend at least an amount equal to five per cent of the funds 1964
it receives under Title I, Part A of the "Elementary and Secondary 1965
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 1966
transportation for students who enroll in alternative buildings 1967
under division (E) (1) (b) or (E) (2) (a) of this section, unless the 1968
district can satisfy all demand for transportation with a lesser 1969
amount, and at least an amount equal to five per cent of the funds 1970
it receives under Title I, Part A of the "Elementary and Secondary 1971
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 1972
of the supplemental educational services provided to students 1973
under division (E) (2) (b) of this section, unless the district can 1974
pay the costs of such services for all students requesting them 1975
with a lesser amount. If an amount equal to twenty per cent of the 1976
funds the district receives under Title I, Part A of the 1977
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1978
to 6339, is insufficient to satisfy all demand for transportation 1979

under divisions (E) (1) (b) and (E) (2) (a) of this section and to pay 1980
the costs of all of the supplemental educational services provided 1981
to students under division (E) (2) (b) of this section, the district 1982
shall grant priority over all other students in providing 1983
transportation and in paying the costs of supplemental educational 1984
services to the lowest achieving students among the subgroup 1985
described in division (B) (3) of section 3302.01 of the Revised 1986
Code. 1987

Any district that does not receive funds under Title I, Part 1988
A of the "Elementary and Secondary Education Act of 1965," 20 1989
U.S.C. 6311 to 6339, shall not be required to provide 1990
transportation to any student who enrolls in an alternative 1991
building under division (E) (2) (a) of this section or to pay the 1992
costs of supplemental educational services provided to any student 1993
under division (E) (2) (b) of this section. 1994

No student who enrolls in an alternative building under 1995
division (E) (2) (a) of this section shall be eligible for 1996
supplemental educational services under division (E) (2) (b) of this 1997
section. 1998

(3) For any school building that fails to make adequate 1999
yearly progress for four consecutive school years, the district 2000
shall continue to comply with division (E) (2) of this section and 2001
shall implement at least one of the following options with respect 2002
to the building: 2003

(a) Institute a new curriculum that is consistent with the 2004
statewide academic standards adopted pursuant to division (A) of 2005
section 3301.079 of the Revised Code; 2006

(b) Decrease the degree of authority the building has to 2007
manage its internal operations; 2008

(c) Appoint an outside expert to make recommendations for 2009
improving the academic performance of the building. The district 2010

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|---|------|
| may request the department to establish a state intervention team | 2011 |
| for this purpose pursuant to division (G) of this section. | 2012 |
| (d) Extend the length of the school day or year; | 2013 |
| (e) Replace the building principal or other key personnel; | 2014 |
| (f) Reorganize the administrative structure of the building. | 2015 |
| (4) For any school building that fails to make adequate | 2016 |
| yearly progress for five consecutive school years, the district | 2017 |
| shall continue to comply with division (E)(2) of this section and | 2018 |
| shall develop a plan during the next succeeding school year to | 2019 |
| improve the academic performance of the building, which shall | 2020 |
| include at least one of the following options: | 2021 |
| (a) Reopen the school as a community school under Chapter | 2022 |
| 3314. of the Revised Code; | 2023 |
| (b) Replace personnel; | 2024 |
| (c) Contract with a nonprofit or for-profit entity to operate | 2025 |
| the building; | 2026 |
| (d) Turn operation of the building over to the department; | 2027 |
| (e) Other significant restructuring of the building's | 2028 |
| governance. | 2029 |
| (5) For any school building that fails to make adequate | 2030 |
| yearly progress for six consecutive school years, the district | 2031 |
| shall continue to comply with division (E)(2) of this section and | 2032 |
| shall implement the plan developed pursuant to division (E)(4) of | 2033 |
| this section. | 2034 |
| (6) A district shall continue to comply with division | 2035 |
| (E)(1)(b) or (E)(2) of this section, whichever was most recently | 2036 |
| applicable, with respect to any building formerly subject to one | 2037 |
| of those divisions until the building makes adequate yearly | 2038 |
| progress for two consecutive school years. | 2039 |

(F) This division applies only to school districts that have
been identified for improvement by the department pursuant to the
"No Child Left Behind Act of 2001." It does not apply to any such
district after June 30, 2008.

(1) If a school district has been identified for improvement
for one school year, the district shall provide a written
description of the continuous improvement plan developed by the
district pursuant to division (B) of this section to the parent or
guardian of each student enrolled in the district. If the district
does not have a continuous improvement plan, the district shall
develop such a plan in accordance with division (B) of this
section and provide a written description of the plan to the
parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement
for two consecutive school years, the district shall continue to
implement the continuous improvement plan developed by the
district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement
for three consecutive school years, the department shall take at
least one of the following corrective actions with respect to the
district:

(a) Withhold a portion of the funds the district is entitled
to receive under Title I, Part A of the "Elementary and Secondary
Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

(c) Institute a new curriculum that is consistent with the
statewide academic standards adopted pursuant to division (A) of
section 3301.079 of the Revised Code;

(d) Establish alternative forms of governance for individual
school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.

(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.

(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.

The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.

(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section.

(I) The state board shall adopt rules for implementing this 2101
section. 2102

~~Sec. 3302.041. (A) On and after July 1, 2008, in accordance 2103
with the No Child Left Behind Act of 2001, school districts and 2104
school buildings shall continue to be identified for improvement 2105
for failing to make adequate yearly progress for two or more 2106
consecutive school years. 2107~~

~~(B) Beginning July 1, 2008, and contingent upon continued 2108
approval by the United States department of education, each school 2109
district that has been identified for improvement, or that 2110
contains a school building that has been identified for 2111
improvement, shall implement all corrective actions required by 2112
the model of differentiated accountability developed by the Ohio 2113
department of education and approved by the United States 2114
department of education. In any school year in which a district is 2115
subject to this division, the Ohio department of education shall 2116
notify the district, prior to the district's opening date, of the 2117
corrective actions it is required to implement in that school 2118
year. 2119~~

~~Sec. 3302.042. (A) This section shall operate as a pilot 2120
project that applies to any school that is operated by the 2121
Columbus city school district where either of the following apply: 2122~~

~~(1) The school has been ranked according to performance index 2123
score under section 3302.21 of the Revised Code in the lowest five 2124
per cent of all public school buildings statewide for three or 2125
more consecutive school years and ~~is operated by the Columbus city~~ 2126
~~school district. The~~ 2127~~

~~(2) For the 2014-2015 school year, and for each school year 2128
thereafter, the school has received a rating of "D" or "F" on the 2129
value-added progress dimension under division (A)(1)(e). 2130~~

(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for 2131
three or more consecutive school years. 2132

The pilot project shall commence once the department of 2133
education establishes implementation guidelines for the pilot 2134
project in consultation with the Columbus city school district. 2135

(B) Except as provided in division (D), (E), or (F) of this 2136
section, if the parents or guardians of at least fifty per cent of 2137
the students enrolled in a school to which this section applies, 2138
or if the parents or guardians of at least fifty per cent of the 2139
total number of students enrolled in that school and the schools 2140
of lower grade levels whose students typically matriculate into 2141
that school, by the thirty-first day of December of any school 2142
year in which the school is subject to this section, sign and file 2143
with the school district treasurer a petition requesting the 2144
district board of education to implement one of the following 2145
reforms in the school, and if the validity and sufficiency of the 2146
petition is certified in accordance with division (C) of this 2147
section, the board shall implement the requested reform in the 2148
next school year: 2149

(1) Reopen the school as a community school under Chapter 2150
3314. of the Revised Code; 2151

(2) Replace at least seventy per cent of the school's 2152
personnel who are related to the school's poor academic 2153
performance or, at the request of the petitioners, retain not more 2154
than thirty per cent of the personnel; 2155

(3) Contract with another school district or a nonprofit or 2156
for-profit entity with a demonstrated record of effectiveness to 2157
operate the school; 2158

(4) Turn operation of the school over to the department; 2159

(5) Any other major restructuring of the school that makes 2160
fundamental reforms in the school's staffing or governance. 2161

(C) Not later than thirty days after receipt of a petition 2162
under division (B) of this section, the district treasurer shall 2163
verify the validity and sufficiency of the signatures on the 2164
petition and certify to the district board whether the petition 2165
contains the necessary number of valid signatures to require the 2166
board to implement the reform requested by the petitioners. If the 2167
treasurer certifies to the district board that the petition does 2168
not contain the necessary number of valid signatures, any person 2169
who signed the petition may file an appeal with the county auditor 2170
within ten days after the certification. Not later than thirty 2171
days after the filing of an appeal, the county auditor shall 2172
conduct an independent verification of the validity and 2173
sufficiency of the signatures on the petition and certify to the 2174
district board whether the petition contains the necessary number 2175
of valid signatures to require the board to implement the 2176
requested reform. If the treasurer or county auditor certifies 2177
that the petition contains the necessary number of valid 2178
signatures, the district board shall notify the superintendent of 2179
public instruction and the state board of education of the 2180
certification. 2181

(D) The district board shall not implement the reform 2182
requested by the petitioners in any of the following 2183
circumstances: 2184

(1) The district board has determined that the request is for 2185
reasons other than improving student academic achievement or 2186
student safety. 2187

(2) The state superintendent has determined that 2188
implementation of the requested reform would not comply with the 2189
model of differentiated accountability described in section 2190
3302.041 of the Revised Code. 2191

(3) The petitioners have requested the district board to 2192
implement the reform described in division (B)(4) of this section 2193

and the department has not agreed to take over the school's 2194
operation. 2195

(4) When all of the following have occurred: 2196

(a) After a public hearing on the matter, the district board 2197
issued a written statement explaining the reasons that it is 2198
unable to implement the requested reform and agreeing to implement 2199
one of the other reforms described in division (B) of this 2200
section. 2201

(b) The district board submitted its written statement to the 2202
state superintendent and the state board along with evidence 2203
showing how the alternative reform the district board has agreed 2204
to implement will enable the school to improve its academic 2205
performance. 2206

(c) Both the state superintendent and the state board have 2207
approved implementation of the alternative reform. 2208

(E) If the provisions of this section conflict in any way 2209
with the requirements of federal law, federal law shall prevail 2210
over the provisions of this section. 2211

(F) If a school is restructured under this section, section 2212
3302.10 or 3302.12 of the Revised Code, or federal law, the school 2213
shall not be required to restructure again under state law for 2214
three consecutive years after the implementation of that prior 2215
restructuring. 2216

(G) Beginning not later than six months after the first 2217
petition under this section has been resolved, the department of 2218
education shall annually evaluate the pilot program and submit a 2219
report to the general assembly under section 101.68 of the Revised 2220
Code. Such reports shall contain its recommendations to the 2221
general assembly with respect to the continuation of the pilot 2222
program, its expansion to other school districts, or the enactment 2223
of further legislation establishing the program statewide under 2224

permanent law. 2225

Sec. 3302.05. The state board of education shall adopt rules 2226
freeing school districts ~~declared to be excellent under division~~ 2227
~~(B) (1) or effective under division (B) (2) of section 3302.03 of~~ 2228
~~the Revised Code from specified state mandates if one of the~~ 2229
following applies: 2230

(A) For the 2011-2012 school year, the school district was 2231
declared to be excellent under section 3302.03 of the Revised 2232
Code, as that section existed prior to the effective date of this 2233
section and had above expected growth in the overall value-added 2234
measure. 2235

(B) For the 2012-2013 school year, the school district 2236
received a grade of "A" for the number of performance indicators 2237
met under division (A) (1) (c) of section 3302.03 of the Revised 2238
Code and for the value-added dimension under division (A) (1) (e) of 2239
section 3302.03 of the Revised Code. 2240

(C) For the 2013-2014 school year, the school district 2241
received a grade of "A" for the number of performance indicators 2242
met under division (B) (1) (c) of section 3302.03 of the Revised 2243
Code and for the value-added dimension under division (B) (1) (e) of 2244
section 3302.03 of the Revised Code. 2245

(D) For the 2014-2015 school year and for each school year 2246
thereafter, the school district received an overall grade of "A" 2247
under division (C) (2) of section 3302.03 of the Revised Code. Any 2248

Any mandates included in the rules shall be only those 2249
statutes or rules pertaining to state education requirements. The 2250
rules shall not exempt districts from any operating standard 2251
adopted under division (D) (3) of section 3301.07 of the Revised 2252
Code. 2253

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 2254

of public instruction shall establish an academic distress 2255
commission for each school district that meets any of the 2256
following conditions: 2257

(1) The district has been declared to be in a state of 2258
academic emergency pursuant to under section 3302.03 of the 2259
Revised Code, as that section existed prior to the effective date 2260
of this amendment, and has failed to make adequate yearly progress 2261
for four or more consecutive school years; 2262

(2) The district has received a grade of "F" for the 2263
performance index score and a grade of "D" or "F" for the 2264
value-added progress dimension of section 3302.03 of the Revised 2265
Code for two or more consecutive years; 2266

(3) The district has received an overall grade or "F" under 2267
division (C)(2) or a grade of "F" for the value-added progress 2268
dimension under division (C)(1)(e) of section 3302.03 of the 2269
Revised Code for two or more consecutive years; 2270

(4) At least fifty per cent of the schools operated by the 2271
district have received an overall grade of "D" or "F" under 2272
division (C)(2) of section 3302.03 of the Revised Code. Each 2273

Each commission shall assist the district for which it was 2274
established in improving the district's academic performance. 2275

Each commission is a body both corporate and politic, 2276
constituting an agency and instrumentality of the state and 2277
performing essential governmental functions of the state. A 2278
commission shall be known as the "academic distress commission for 2279
..... (name of school district)," and, in that name, may 2280
exercise all authority vested in such a commission by this 2281
section. A separate commission shall be established for each 2282
school district to which this division applies. 2283

(B) Each academic distress commission shall consist of five 2284
voting members, three of whom shall be appointed by the 2285

superintendent of public instruction and two of whom shall be 2286
residents of the applicable school district appointed by the 2287
president of the district board of education. When a school 2288
district becomes subject to this section, the superintendent of 2289
public instruction shall provide written notification of that fact 2290
to the district board of education and shall request the president 2291
of the district board to submit to the superintendent of public 2292
instruction, in writing, the names of the president's appointees 2293
to the commission. The superintendent of public instruction and 2294
the president of the district board shall make appointments to the 2295
commission within thirty days after the district is notified that 2296
it is subject to this section. 2297

Members of the commission shall serve at the pleasure of 2298
their appointing authority during the life of the commission. In 2299
the event of the death, resignation, incapacity, removal, or 2300
ineligibility to serve of a member, the appointing authority shall 2301
appoint a successor within fifteen days after the vacancy occurs. 2302
Members shall serve without compensation, but shall be paid by the 2303
commission their necessary and actual expenses incurred while 2304
engaged in the business of the commission. 2305

(C) Immediately after appointment of the initial members of 2306
an academic distress commission, the superintendent of public 2307
instruction shall call the first meeting of the commission and 2308
shall cause written notice of the time, date, and place of that 2309
meeting to be given to each member of the commission at least 2310
forty-eight hours in advance of the meeting. The first meeting 2311
shall include an overview of the commission's roles and 2312
responsibilities, the requirements of section 2921.42 and Chapter 2313
102. of the Revised Code as they pertain to commission members, 2314
the requirements of section 121.22 of the Revised Code, and the 2315
provisions of division (F) of this section. At its first meeting, 2316
the commission shall adopt temporary bylaws in accordance with 2317

division (D) of this section to govern its operations until the 2318
adoption of permanent bylaws. 2319

The superintendent of public instruction shall designate a 2320
chairperson for the commission from among the members appointed by 2321
the superintendent. The chairperson shall call and conduct 2322
meetings, set meeting agendas, and serve as a liaison between the 2323
commission and the district board of education. The chairperson 2324
also shall appoint a secretary, who shall not be a member of the 2325
commission. 2326

The department of education shall provide administrative 2327
support for the commission, provide data requested by the 2328
commission, and inform the commission of available state resources 2329
that could assist the commission in its work. 2330

(D) Each academic distress commission may adopt and alter 2331
bylaws and rules, which shall not be subject to section 111.15 or 2332
Chapter 119. of the Revised Code, for the conduct of its affairs 2333
and for the manner, subject to this section, in which its powers 2334
and functions shall be exercised and embodied. 2335

(E) Three members of an academic distress commission 2336
constitute a quorum of the commission. The affirmative vote of 2337
three members of the commission is necessary for any action taken 2338
by vote of the commission. No vacancy in the membership of the 2339
commission shall impair the rights of a quorum by such vote to 2340
exercise all the rights and perform all the duties of the 2341
commission. Members of the commission are not disqualified from 2342
voting by reason of the functions of any other office they hold 2343
and are not disqualified from exercising the functions of the 2344
other office with respect to the school district, its officers, or 2345
the commission. 2346

(F) The members of an academic distress commission, the 2347
superintendent of public instruction, and any person authorized to 2348

act on behalf of or assist them shall not be personally liable or 2349
subject to any suit, judgment, or claim for damages resulting from 2350
the exercise of or failure to exercise the powers, duties, and 2351
functions granted to them in regard to their functioning under 2352
this section, but the commission, superintendent of public 2353
instruction, and such other persons shall be subject to mandamus 2354
proceedings to compel performance of their duties under this 2355
section. 2356

(G) Each member of an academic distress commission shall file 2357
the statement described in section 102.02 of the Revised Code with 2358
the Ohio ethics commission. The statement shall be confidential, 2359
subject to review, as described in division (B) of that section. 2360

(H) Meetings of each academic distress commission shall be 2361
subject to section 121.22 of the Revised Code. 2362

(I) (1) Within one hundred twenty days after the first meeting 2363
of an academic distress commission, the commission shall adopt an 2364
academic recovery plan to improve academic performance in the 2365
school district. The plan shall address academic problems at both 2366
the district and school levels. The plan shall include the 2367
following: 2368

(a) Short-term and long-term actions to be taken to improve 2369
the district's academic performance, including any actions 2370
required by section 3302.04 or 3302.041 of the Revised Code; 2371

(b) The sequence and timing of the actions described in 2372
division (I) (1) (a) of this section and the persons responsible for 2373
implementing the actions; 2374

(c) Resources that will be applied toward improvement 2375
efforts; 2376

(d) Procedures for monitoring and evaluating improvement 2377
efforts; 2378

| | |
|--|--|
| (e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts. | 2379 2380 |
| (2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually. | 2381 2382 2383 |
| (3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it. | 2384 2385 2386 2387 2388 2389 2390 2391 2392 |
| (4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan. | 2393 2394 2395 |
| (J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final. | 2396 2397 2398 2399 2400 |
| The commission may do any of the following: | 2401 |
| (1) Appoint school building administrators and reassign administrative personnel; | 2402 2403 |
| (2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division. | 2404 2405 2406 2407 |
| (3) Contract with a private entity to perform school or | 2408 |

district management functions; 2409

(4) Establish a budget for the district and approve district 2410
appropriations and expenditures, unless a financial planning and 2411
supervision commission has been established for the district 2412
pursuant to section 3316.05 of the Revised Code. 2413

(K) If the board of education of a district for which an 2414
academic distress commission has been established under this 2415
section renews any collective bargaining agreement under Chapter 2416
4117. of the Revised Code during the existence of the commission, 2417
the district board shall not enter into any agreement that would 2418
render any decision of the commission unenforceable. Section 2419
3302.08 of the Revised Code does not apply to this division. 2420

Notwithstanding any provision to the contrary in Chapter 2421
4117. of the Revised Code, if the board of education has entered 2422
into a collective bargaining agreement after September 29, 2005, 2423
that contains stipulations relinquishing one or more of the rights 2424
or responsibilities listed in division (C) of section 4117.08 of 2425
the Revised Code, those stipulations are not enforceable and the 2426
district board shall resume holding those rights or 2427
responsibilities as if it had not relinquished them in that 2428
agreement until such time as both the academic distress commission 2429
ceases to exist and the district board agrees to relinquish those 2430
rights or responsibilities in a new collective bargaining 2431
agreement. The provisions of this paragraph apply to a collective 2432
bargaining agreement entered into after September 29, 2005, and 2433
those provisions are deemed to be part of that agreement 2434
regardless of whether the district satisfied the conditions 2435
prescribed in division (A) of this section at the time the 2436
district entered into that agreement. 2437

(L) An academic distress commission shall cease to exist when 2438
the district for which it was established receives a performance 2439
rating ~~under section 3302.03 of the Revised Code~~ of in need of 2440

continuous improvement or better, under section 3302.03 of the 2441
Revised Code as that section existed prior to the effective date 2442
of this amendment, or a grade of "C" or better for both the 2443
performance index score under division (C)(1)(b) and the 2444
value-added progress dimension under division (C)(1)(e) of section 2445
3302.03 of the Revised Code for two of the three prior school 2446
years; however, the superintendent of public instruction may 2447
dissolve the commission earlier if the superintendent determines 2448
that the district can perform adequately without the supervision 2449
of the commission. Upon termination of the commission, the 2450
department of education shall compile a final report of the 2451
commission's activities to assist other academic distress 2452
commissions in the conduct of their functions. 2453

Sec. 3302.12. (A) (1) Except as provided in divisions (C) and 2454
(D) of this section, for any this section applies to the 2455
following: 2456

(a) Any school building that is ranked according to 2457
performance index score under section 3302.21 of the Revised Code 2458
in the lowest five per cent of all public school buildings 2459
statewide for three consecutive years and is declared to be under 2460
an academic watch or in a state of academic emergency under 2461
section 3302.03 of the Revised Code; 2462

(b) Any school building that has received a grade of "F" for 2463
the value-added progress dimension under division (A)(1)(e), 2464
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 2465
three consecutive school years; 2466

(c) Any school building that has received an overall grade of 2467
"F" under section 3302.03 of the Revised Code for three 2468
consecutive school years. 2469

(2) In the case of a building to which this section applies, 2470
the district board of education in control of that building shall 2471

do one of the following at the conclusion of the school year in 2472
which the building first becomes subject to this ~~division~~ section: 2473

2474

~~(1)~~(a) Close the school and direct the district 2475
superintendent to reassign the students enrolled in the school to 2476
other school buildings that demonstrate higher academic 2477
achievement; 2478

~~(2)~~(b) Contract with another school district or a nonprofit 2479
or for-profit entity with a demonstrated record of effectiveness 2480
to operate the school; 2481

~~(3)~~(c) Replace the principal and all teaching staff of the 2482
school and, upon request from the new principal, exempt the school 2483
from all requested policies and regulations of the board regarding 2484
curriculum and instruction. The board also shall distribute 2485
funding to the school in an amount that is at least equal to the 2486
product of the per pupil amount of state and local revenues 2487
received by the district multiplied by the student population of 2488
the school. 2489

~~(4)~~(d) Reopen the school as a conversion community school 2490
under Chapter 3314. of the Revised Code. 2491

(B) If an action taken by the board under division (A) (2) of 2492
this section causes the district to no longer maintain all grades 2493
kindergarten through twelve, as required by section 3311.29 of the 2494
Revised Code, the board shall enter into a contract with another 2495
school district pursuant to section 3327.04 of the Revised Code 2496
for enrollment of students in the schools of that other district 2497
to the extent necessary to comply with the requirement of section 2498
3311.29 of the Revised Code. Notwithstanding any provision of the 2499
Revised Code to the contrary, if the board enters into and 2500
maintains a contract under section 3327.04 of the Revised Code, 2501
the district shall not be considered to have failed to comply with 2502

the requirement of section 3311.29 of the Revised Code. If, 2503
however, the district board fails to or is unable to enter into or 2504
maintain such a contract, the state board of education shall take 2505
all necessary actions to dissolve the district as provided in 2506
division (A) of section 3311.29 of the Revised Code. 2507

(C) If a particular school is required to restructure under 2508
this section and a petition with respect to that same school has 2509
been filed and verified under divisions (B) and (C) of section 2510
3302.042 of the Revised Code, the provisions of that section and 2511
the petition filed and verified under it shall prevail over the 2512
provisions of this section and the school shall be restructured 2513
under that section. However, if division (D) (1), (2), or (3) of 2514
section 3302.042 of the Revised Code also applies to the school, 2515
the school shall be subject to restructuring under this section 2516
and not section 3302.042 of the Revised Code. 2517

If the provisions of this section conflict in any way with 2518
the requirements of federal law, federal law shall prevail over 2519
the provisions of this section. 2520

(D) If a school is restructured under this section, section 2521
3302.042 or 3302.10 of the Revised Code, or federal law, the 2522
school shall not be required to restructure again under state law 2523
for three consecutive years after the implementation of that prior 2524
restructuring. 2525

Sec. 3302.20. (A) The department of education shall develop 2526
standards for determining, from the existing data reported in 2527
accordance with sections 3301.0714 and 3314.17 of the Revised 2528
Code, the amount of annual operating expenditures for classroom 2529
instructional purposes and for nonclassroom purposes for each 2530
city, exempted village, local, and joint vocational school 2531
district, each community school established under Chapter 3314. 2532
that is not an internet- or computer-based community school, each 2533

internet- or computer-based community school, and each STEM school 2534
established under Chapter 3326. of the Revised Code. The 2535
department shall present those standards to the state board of 2536
education for consideration. In developing the standards, the 2537
department shall adapt existing standards used by professional 2538
organizations, research organizations, and other state 2539
governments. The department also shall align the expenditure 2540
categories required for reporting under the standards with the 2541
categories that are required for reporting to the United States 2542
department of education under federal law. 2543

The state board shall consider the proposed standards and 2544
adopt a final set of standards not later than December 31, 2012. 2545
School districts, community schools, and STEM schools shall begin 2546
reporting data in accordance with the standards on July 1, 2013. 2547

(B)(1) The department shall categorize all city, exempted 2548
village, and local school districts into not less than three nor 2549
more than five groups based primarily on average daily student 2550
enrollment as reported on the most recent report card issued for 2551
each district under section 3302.03 of the Revised Code. 2552

(2) The department shall categorize all joint vocational 2553
school districts into not less than three nor more than five 2554
groups based primarily on average daily membership as reported 2555
under division (D) of section 3317.03 of the Revised Code rounded 2556
to the nearest whole number. 2557

(3) The department shall categorize all community schools 2558
that are not internet- or computer-based community schools into 2559
not less than three nor more than five groups based primarily on 2560
average daily student enrollment as reported on the most recent 2561
report card issued for each community school under sections 2562
3302.03 and 3314.012 of the Revised Code or, in the case of a 2563
school to which section 3314.017 of the Revised Code applies, on 2564

the total number of students reported under divisions (B) (2) (a) 2565
and (b) of section 3314.08 of the Revised Code. 2566

(4) The department shall categorize all internet- or 2567
computer-based community schools into a single category. 2568

(5) The department shall categorize all STEM schools into a 2569
single category. 2570

(C) Using the standards adopted under division (A) of this 2571
section and the data reported under sections 3301.0714 and 3314.17 2572
of the Revised Code, the department shall compute annually for 2573
each fiscal year, the following: 2574

(1) The percentage of each district's, community school's, or 2575
STEM school's total operating budget spent for classroom 2576
instructional purposes; 2577

(2) The statewide average percentage for all districts, 2578
community schools, and STEM schools combined spent for classroom 2579
instructional purposes; 2580

(3) The average percentage for each of the categories of 2581
districts and schools established under division (B) of this 2582
section spent for classroom instructional purposes; 2583

(4) The ranking of each district, community school, or STEM 2584
school within its respective category established under division 2585
(B) of this section according to the following: 2586

(a) From highest to lowest percentage spent for classroom 2587
instructional purposes; 2588

(b) From lowest to highest percentage spent for 2589
noninstructional purposes. 2590

(D) In its display of rankings within each category under 2591
division (C) (4) of this section, the department shall make the 2592
following notations: 2593

(1) Within each category of city, exempted village, and local 2594

school districts, the department shall denote each district that 2595
is: 2596

(a) Among the twenty per cent of all city, exempted village, 2597
and local school districts statewide with the lowest total 2598
operating expenditures per pupil; 2599

(b) Among the twenty per cent of all city, exempted village, 2600
and local school districts statewide with the highest performance 2601
index scores. 2602

(2) Within each category of joint vocational school 2603
districts, the department shall denote each district that is: 2604

(a) Among the twenty per cent of all joint vocational school 2605
districts statewide with the lowest total operating expenditures 2606
per pupil; 2607

(b) Among the twenty per cent of all joint vocational school 2608
districts statewide with the highest report card scores under 2609
section 3302.033 of the Revised Code. 2610

(3) Within each category of community schools that are not 2611
internet- or computer-based community schools, the department 2612
shall denote each school that is: 2613

(a) Among the twenty per cent of all such community schools 2614
statewide with the lowest total operating expenditures per pupil; 2615

(b) Among the twenty per cent of all such community schools 2616
statewide with the highest performance index scores, excluding 2617
such community schools to which section 3314.017 of the Revised 2618
Code applies. 2619

(4) Within the category of internet- or computer-based 2620
community schools, the department shall denote each school that 2621
is: 2622

(a) Among the twenty per cent of all such community schools 2623
statewide with the lowest total operating expenditures per pupil; 2624

(b) Among the twenty per cent of all such community schools 2625
statewide with the highest performance index scores, excluding 2626
such community schools to which section 3314.017 of the Revised 2627
Code applies. 2628

(5) Within the category of STEM schools, the department shall 2629
denote each school that is: 2630

(a) Among the twenty per cent of all STEM schools statewide 2631
with the lowest total operating expenditures per pupil; 2632

(b) Among the twenty per cent of all STEM schools statewide 2633
with the highest performance index scores. 2634

For purposes of divisions (D)(3)(b) and (4)(b) of this 2635
section, the display shall note that, in accordance with section 2636
3314.017 of the Revised Code, a performance index score is not 2637
reported for some community schools that serve primarily students 2638
enrolled in dropout prevention and recovery programs. 2639

(E) The department shall post in a prominent location on its 2640
web site the information prescribed by divisions (C) and (D) of 2641
this section. The department also shall include on each 2642
district's, community school's, and STEM school's annual report 2643
card issued under section 3302.03 or 3314.017 of the Revised Code 2644
the respective information computed for the district or school 2645
under divisions (C)(1) and (4) of this section, the statewide 2646
information computed under division (C)(2) of this section, and 2647
the information computed for the district's or school's category 2648
under division (C)(3) of this section. 2649

(F) As used in this section: 2650

(1) "Internet- or computer-based community school" has the 2651
same meaning as in section 3314.02 of the Revised Code. 2652

(2) A school district's, community school's, or STEM school's 2653
performance index score rank is its performance index score rank 2654

as computed under section 3302.21 of the Revised Code. 2655

Sec. 3302.21. (A) The department of education shall develop a 2656
system to rank order all city, exempted village, and local school 2657
districts, community schools established under Chapter 3314. of 2658
the Revised Code except those community schools to which section 2659
3314.017 of the Revised Code applies, and STEM schools established 2660
under Chapter 3326. of the Revised Code according to the following 2661
measures: 2662

(1) Performance index score for each school district, 2663
community school, and STEM school and for each separate building 2664
of a district, community school, or STEM school. For districts, 2665
schools, or buildings to which the performance index score does 2666
not apply, the superintendent of public instruction shall develop 2667
another measure of student academic performance and use that 2668
measure to include those buildings in the ranking so that all 2669
districts, schools, and buildings may be reliably compared to each 2670
other. 2671

(2) Student performance growth from year to year, using the 2672
value-added progress dimension, if applicable, and other measures 2673
of student performance growth designated by the superintendent of 2674
public instruction for subjects and grades not covered by the 2675
value-added progress dimension or the alternative student academic 2676
progress measure adopted under division (C)(1)(e) of section 2677
3302.03 of the Revised Code; 2678

(3) Current operating expenditures per pupil as determined 2679
under standards adopted by the state board of education under 2680
section 3302.20 of the Revised Code; 2681

(4) Of total current operating expenditures, percentage spent 2682
for classroom instruction as determined under standards adopted by 2683
the state board under section 3302.20 of the Revised Code; 2684

(5) Performance of, and opportunities provided to, students 2685
identified as gifted using value-added progress dimensions, if 2686
applicable, and other relevant measures as designated by the 2687
superintendent of public instruction. 2688

The department shall rank each district, each community 2689
school except a community school to which section 3314.017 of the 2690
Revised Code applies, and each STEM school annually in accordance 2691
with the system developed under this section. 2692

(B) In addition to the reports required by sections 3302.03 2693
and 3302.031 of the Revised Code, not later than the first day of 2694
September each year, the department shall issue a report for each 2695
city, exempted village, and local school district, each community 2696
school except a community school to which section 3314.017 of the 2697
Revised Code applies, and each STEM school indicating the 2698
district's or school's rank on each measure described in divisions 2699
(A)(1) to (4) of this section, including each separate building's 2700
rank among all public school buildings according to performance 2701
index score under division (A)(1) of this section. 2702

Sec. 3310.03. A student is an "eligible student" for purposes 2703
of the educational choice scholarship pilot program if the 2704
student's resident district is not a school district in which the 2705
pilot project scholarship program is operating under sections 2706
3313.974 to 3313.979 of the Revised Code and the student satisfies 2707
one of the conditions in division (A), (B), or (C) of this 2708
section: 2709

(A)(1) The student is enrolled in a school building ~~that is~~ 2710
operated by the student's resident district that, on the report 2711
card issued under section 3302.03 of the Revised Code published 2712
prior to the first day of July of the school year for which a 2713
scholarship is sought, did not receive a rating as described in 2714
division (G) of this section, and to which both any or a 2715

combination of any of the following apply for two of the three 2716
most recent report cards published prior to the first day of July 2717
of the school year for which a scholarship is sought: 2718

(a) ~~The building was declared, in at least two of the three~~ 2719
~~most recent ratings of school buildings published prior to the~~ 2720
~~first day of July of the school year for which a scholarship is~~ 2721
~~sought,~~ to be in a state of academic emergency or academic watch 2722
under section 3302.03 of the Revised Code, as that section existed 2723
prior to the effective date of this amendment. 2724

(b) ~~The building was not declared to be excellent or~~ 2725
~~effective under that section in the most recent rating published~~ 2726
~~prior to the first day of July of the school year for which a~~ 2727
~~scholarship is sought~~ The building received a grade of "D" or "F" 2728
for the performance index score under division (A)(1)(b) or 2729
(B)(1)(b) of section 3302.03 of the Revised Code and for the 2730
value-added progress dimension under division (A)(1)(e) or 2731
(B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 2732
or 2013-2014 school year, or both. 2733

(c) The building received an overall grade of "D" or "F" 2734
under division (C)(2) of section 3302.03 of the Revised Code or a 2735
grade of "F" for the value-added progress dimension under division 2736
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 2737
school year or any school year thereafter. 2738

(2) The student is eligible to enroll in kindergarten in the 2739
school year for which a scholarship is sought and otherwise would 2740
be assigned under section 3319.01 of the Revised Code to a school 2741
building described in division (A)(1) of this section. 2742

(3) The student is enrolled in a community school established 2743
under Chapter 3314. of the Revised Code but otherwise would be 2744
assigned under section 3319.01 of the Revised Code to a building 2745
described in division (A)(1) of this section. 2746

(4) The student is enrolled in a school building ~~that is~~ 2747
operated by the student's resident district or in a community 2748
school established under Chapter 3314. of the Revised Code and 2749
otherwise would be assigned under section 3319.01 of the Revised 2750
Code to a school building described in division (A)(1) of this 2751
section in the school year for which the scholarship is sought. 2752

(5) The student is eligible to enroll in kindergarten in the 2753
school year for which a scholarship is sought, or is enrolled in a 2754
community school established under Chapter 3314. of the Revised 2755
Code, and all of the following apply to the student's resident 2756
district: 2757

(a) The district has in force an intradistrict open 2758
enrollment policy under which no student in kindergarten or the 2759
community school student's grade level, respectively, is 2760
automatically assigned to a particular school building; 2761

~~(b) In at least two of the three most recent ratings of 2762
school districts published prior to the first day of July of the 2763
school year for which a scholarship is sought, the district was 2764
declared to be in a state of academic emergency under section 2765
3302.03 of the Revised Code; 2766~~

~~(c) The district was not declared to be excellent or 2767
effective under that section in the most recent rating published 2768
prior to the first day of July of the school year for which a 2769
scholarship is sought the most recent rating published prior to 2770
the first day of July of the school year for which scholarship is 2771
sought, the district did not receive a rating described in 2772
division (G) of this section, and in at least two of the three 2773
most recent report cards published prior to the first day of July 2774
of that school year, any or a combination of the following apply 2775
to the district: 2776~~

(i) The district was declared to be in a state of academic 2777

emergency under section 3302.03 of the Revised Code as it existed 2778
prior to the effective date of this amendment. 2779

(ii) The district received a grade of "D" or "F" for the 2780
performance index score under division (A) (1) (b) or (B) (1) (b) of 2781
section 3302.03 of the Revised Code and for the value-added 2782
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2783
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 2784
school year, or both. 2785

(c) The district received an overall grade of "D" or "F" 2786
under division (C) (2) of section 3302.03 of the Revised Code or a 2787
grade of "F" for the value-added progress dimension under division 2788
(C) (1) (e) of section 3302.03 of the Revised Code for the 2014-2015 2789
school year or any school year thereafter. 2790

(B) (1) The student is enrolled in a school building ~~that is~~ 2791
operated by the student's resident district and to which both of 2792
the following apply: 2793

(a) The building was ranked, for at least two of the three 2794
most recent rankings published under section 3302.21 of the 2795
Revised Code prior to the first day of July of the school year for 2796
which a scholarship is sought, in the lowest ten per cent of all 2797
public school buildings according to performance index score under 2798
section 3302.21 of the Revised Code. 2799

(b) The building was not declared to be excellent or 2800
effective under section 3302.03 of the Revised Code in the most 2801
recent rating published prior to the first day of July of the 2802
school year for which a scholarship is sought. 2803

(2) The student is eligible to enroll in kindergarten in the 2804
school year for which a scholarship is sought and otherwise would 2805
be assigned under section 3319.01 of the Revised Code to a school 2806
building described in division (B) (1) of this section. 2807

(3) The student is enrolled in a community school established 2808

under Chapter 3314. of the Revised Code but otherwise would be 2809
assigned under section 3319.01 of the Revised Code to a building 2810
described in division (B) (1) of this section. 2811

(4) The student is enrolled in a school building ~~that is~~ 2812
operated by the student's resident district or in a community 2813
school established under Chapter 3314. of the Revised Code and 2814
otherwise would be assigned under section 3319.01 of the Revised 2815
Code to a school building described in division (B) (1) of this 2816
section in the school year for which the scholarship is sought. 2817

(C) The student is enrolled in a nonpublic school at the time 2818
the school is granted a charter by the state board of education 2819
under section 3301.16 of the Revised Code and the student meets 2820
the standards of division (B) of section 3310.031 of the Revised 2821
Code. 2822

(D) A student who receives a scholarship under the 2823
educational choice scholarship pilot program remains an eligible 2824
student and may continue to receive scholarships in subsequent 2825
school years until the student completes grade twelve, so long as 2826
all of the following apply: 2827

(1) The student's resident district remains the same, or the 2828
student transfers to a new resident district and otherwise would 2829
be assigned in the new resident district to a school building 2830
described in division (A) (1) or (B) (1) of this section; 2831

(2) The student takes each assessment prescribed for the 2832
student's grade level under section 3301.0710 or 3301.0712 of the 2833
Revised Code while enrolled in a chartered nonpublic school; 2834

(3) In each school year that the student is enrolled in a 2835
chartered nonpublic school, the student is absent from school for 2836
not more than twenty days that the school is open for instruction, 2837
not including excused absences. 2838

(E) (1) The department shall cease awarding first-time 2839

scholarships pursuant to divisions (A)(1) to (4) of this section 2840
with respect to a school building that, in the most recent ratings 2841
of school buildings published under section 3302.03 of the Revised 2842
Code prior to the first day of July of the school year, ceases to 2843
meet the criteria in division (A)(1) of this section. The 2844
department shall cease awarding first-time scholarships pursuant 2845
to division (A)(5) of this section with respect to a school 2846
district that, in the most recent ratings of school districts 2847
published under section 3302.03 of the Revised Code prior to the 2848
first day of July of the school year, ceases to meet the criteria 2849
in division (A)(5) of this section. 2850

(2) The department shall cease awarding first-time 2851
scholarships pursuant to divisions (B)(1) to (4) of this section 2852
with respect to a school building that, in the most recent ratings 2853
of school buildings under section 3302.03 of the Revised Code 2854
prior to the first day of July of the school year, ceases to meet 2855
the criteria in division (B)(1) of this section. 2856

(3) However, students who have received scholarships in the 2857
prior school year remain eligible students pursuant to division 2858
(D) of this section. 2859

(F) The state board of education shall adopt rules defining 2860
excused absences for purposes of division (D)(3) of this section. 2861

(G)(1) A student who satisfies only the conditions prescribed 2862
in divisions (A)(1) to (4) of this section shall not be eligible 2863
for a scholarship if the student's resident building meets any of 2864
the following in the most recent rating under section 3302.03 of 2865
the Revised Code published prior to the first day of July of the 2866
school year for which a scholarship is sought: 2867

(a) The building has an overall designation of excellent or 2868
effective under section 3302.03 of the Revised Code as it existed 2869
prior to the effective date of this amendment. 2870

(b) The building has a grade of "A" or "B" for the 2871
performance index score under division (A) (1) (b) or (B) (1) (b) of 2872
section 3302.03 of the Revised Code and for the value-added 2873
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2874
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 2875
school year, or both. 2876

(c) The building has a grade of "A" or "B" under division 2877
(C) (2) of section 3302.03 of the Revised Code and a grade of "A" 2878
for the value-added progress dimension under division (C) (1) (e) of 2879
section 3302.03 of the Revised Code for the 2014-2015 school year 2880
or any school year thereafter. 2881

(2) A student who satisfies only the conditions prescribed in 2882
division (A) (5) of this section shall not be eligible for a 2883
scholarship if the student's resident district meets any of the 2884
following in the most recent rating under section 3302.03 of the 2885
Revised Code published prior to the first day of July of the 2886
school year for which a scholarship is sought: 2887

(a) The district has an overall designation of excellent or 2888
effective under section 3302.03 of the Revised Code as it existed 2889
prior to the effective date of this amendment. 2890

(b) The district has a grade of "A" or "B" for the 2891
performance index score under division (A) (1) (b) or (B) (1) (b) of 2892
section 3302.03 of the Revised Code and for the value-added 2893
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2894
section 3302.03 of the Revised Code for the 2012-2013 and 2895
2013-2014 school years. 2896

(c) The district has an overall grade of "A" or "B" under 2897
division (C) (2) of section 3302.03 of the Revised Code and a grade 2898
of "A" for the value-added progress dimension under division 2899
(C) (1) (e) of section 3302.03 of the Revised Code for the 2014-2015 2900
school year or any school year thereafter. 2901

Sec. 3310.06. It is the policy adopted by the general 2902
assembly that the educational choice scholarship pilot program 2903
shall be construed as one of several educational options available 2904
for students enrolled in ~~academic emergency or academic watch~~ 2905
persistently low-performing school buildings. Students may be 2906
enrolled in the schools of the student's resident district, in a 2907
community school established under Chapter 3314. of the Revised 2908
Code, in the schools of another school district pursuant to an 2909
open enrollment policy adopted under section 3313.98 of the 2910
Revised Code, in a chartered nonpublic school with or without a 2911
scholarship under the educational choice scholarship pilot 2912
program, or in other schools as the law may provide. 2913

Sec. 3311.741. (A) This section applies only to a municipal 2914
school district in existence on July 1, 2012. 2915

(B) Not later than December 1, 2012, the board of education 2916
of each municipal school district to which this section applies 2917
shall submit to the superintendent of public instruction an array 2918
of measures to be used in evaluating the performance of the 2919
district. The measures shall assess at least overall student 2920
achievement, student progress over time, the achievement and 2921
progress over time of each of the applicable categories of 2922
students described in division ~~(C)-(3)-(F)~~ of section 3302.03 of the 2923
Revised Code, and college and career readiness. The state 2924
superintendent shall approve or disapprove the measures by January 2925
15, 2013. If the measures are disapproved, the state 2926
superintendent shall recommend modifications that will make the 2927
measures acceptable. 2928

(C) Beginning with the 2012-2013 school year, the board 2929
annually shall establish goals for improvement on each of the 2930
measures approved under division (B) of this section. The school 2931
district's performance data for the 2011-2012 school year shall be 2932

used as a baseline for determining improvement. 2933

(D) Not later than October 1, 2013, and by the first day of 2934
October each year thereafter, the board shall issue a report 2935
describing the school district's performance for the previous 2936
school year on each of the measures approved under division (B) of 2937
this section and whether the district has met each of the 2938
improvement goals established for that year under division (C) of 2939
this section. The board shall provide the report to the governor, 2940
the superintendent of public instruction, and, in accordance with 2941
section 101.68 of the Revised Code, the general assembly. 2942

(E) Not later than November 15, 2017, the superintendent of 2943
public instruction shall evaluate the school district's 2944
performance based on the measures approved under division (B) of 2945
this section and shall issue a report to the governor and general 2946
assembly. 2947

Sec. 3311.80. Notwithstanding any provision of the Revised 2948
Code to the contrary, a municipal school district shall be subject 2949
to this section instead of section 3319.111 of the Revised Code. 2950

(A) Not later than July 1, 2013, the board of education of 2951
each municipal school district and the teachers' labor 2952
organization shall develop and adopt standards-based teacher 2953
evaluation procedures that conform with the framework for 2954
evaluation of teachers developed under section 3319.112 of the 2955
Revised Code. The evaluation procedures shall include at least 2956
formal observations and classroom walk-throughs, which may be 2957
announced or unannounced; examinations of samples of work, such as 2958
lesson plans or assessments designed by a teacher; and multiple 2959
measures of student academic growth. 2960

(B) When using measures of student academic growth as a 2961
component of a teacher's evaluation, those measures shall include 2962
the value-added progress dimension prescribed by section 3302.021 2963

of the Revised Code or the alternative student academic progress 2964
measure adopted under division (C) (1) (e) of section 3302.03 of the 2965
Revised Code. For teachers of grade levels and subjects for which 2966
the value-added progress dimension or alternative student academic 2967
achievement measure is not applicable, the board shall administer 2968
assessments on the list developed under division (B) (2) of section 2969
3319.112 of the Revised Code. 2970

(C) (1) Each teacher employed by the board shall be evaluated 2971
at least once each school year, except as provided in division 2972
(C) (2) of this section. The composite evaluation shall be 2973
completed not later than the first day of June and the teacher 2974
shall receive a written report of the results of the composite 2975
evaluation not later than ten days after its completion or the 2976
last teacher work day of the school year, whichever is earlier. 2977

(2) Each teacher who received a rating of accomplished on the 2978
teacher's most recent evaluation conducted under this section may 2979
be evaluated once every two school years, except that the teacher 2980
shall be evaluated in any school year in which the teacher's 2981
contract is due to expire. The biennial composite evaluation shall 2982
be completed not later than the first day of June of the 2983
applicable school year, and the teacher shall receive a written 2984
report of the results of the composite evaluation not later than 2985
ten days after its completion or the last teacher work day of the 2986
school year, whichever is earlier. 2987

(D) Each evaluation conducted pursuant to this section shall 2988
be conducted by one or more of the following persons who have been 2989
trained to conduct evaluations in accordance with criteria that 2990
shall be developed jointly by the chief executive officer of the 2991
district, or the chief executive officer's designee, and the 2992
teachers' labor organization: 2993

(1) The chief executive officer or a subordinate officer of 2994
the district with responsibility for instruction or academic 2995

affairs; 2996

(2) A person who is under contract with the board pursuant to 2997
section 3319.02 of the Revised Code and holds a license designated 2998
for being a principal issued under section 3319.22 of the Revised 2999
Code; 3000

(3) A person who is under contract with the board pursuant to 3001
section 3319.02 of the Revised Code and holds a license designated 3002
for being a vocational director or a supervisor in any educational 3003
area issued under section 3319.22 of the Revised Code; 3004

(4) A person designated to conduct evaluations under an 3005
agreement providing for peer assistance and review entered into by 3006
the board and the teachers' labor organization. 3007

(E) The evaluation procedures shall describe how the 3008
evaluation results will be used for decisions regarding 3009
compensation, retention, promotion, and reductions in force and 3010
for removal of poorly performing teachers. 3011

(F) A teacher may challenge any violations of the evaluation 3012
procedures in accordance with the grievance procedure specified in 3013
any applicable collective bargaining agreement. A challenge under 3014
this division is limited to the determination of procedural errors 3015
that have resulted in substantive harm to the teacher and to 3016
ordering the correction of procedural errors. The failure of the 3017
board or a person conducting an evaluation to strictly comply with 3018
any deadline or evaluation forms established as part of the 3019
evaluation process shall not be cause for an arbitrator to 3020
determine that a procedural error occurred, unless the arbitrator 3021
finds that the failure resulted in substantive harm to the 3022
teacher. The arbitrator shall have no jurisdiction to modify the 3023
evaluation results, but the arbitrator may stay any decision taken 3024
pursuant to division (E) of this section pending the board's 3025
correction of any procedural error. The board shall correct any 3026

procedural error within fifteen business days after the 3027
arbitrator's determination that a procedural error occurred. 3028

(G) Notwithstanding any provision to the contrary in Chapter 3029
4117. of the Revised Code, the requirements of this section 3030
prevail over any conflicting provisions of a collective bargaining 3031
agreement entered into on or after ~~the effective date of this~~ 3032
~~section~~ October 1, 2012. However, the board and the teachers' 3033
labor organization may negotiate additional evaluation procedures, 3034
including an evaluation process incorporating peer assistance and 3035
review, provided the procedures are consistent with this section. 3036

(H) This section does not apply to administrators appointed 3037
by the chief executive officer of a municipal school district 3038
under section 3311.72 of the Revised Code, administrators subject 3039
to evaluation procedures under section 3311.84 or 3319.02 of the 3040
Revised Code, or to any teacher employed as a substitute for less 3041
than one hundred twenty days during a school year pursuant to 3042
section 3319.10 of the Revised Code. 3043

Sec. 3313.473. (A) This section does not apply to any school 3044
district ~~declared to be excellent or effective pursuant to~~ 3045
~~division (B) (1) or (2) of section 3302.03 of the Revised Code to~~ 3046
which one of the following applies: 3047

(1) For the 2011-2012 school year, the school district was 3048
declared to be excellent or effective under section 3302.03 of the 3049
Revised Code, as that section existed prior to the effective date 3050
of this section. 3051

(2) For the 2012-2013 school year, the school district 3052
received a grade of "A" or "B" for the performance index score 3053
under division (A) (1) (b) and for the value-added dimension under 3054
division (A) (1) (e) of section 3302.03 of the Revised Code. 3055

(3) For the 2013-2014 school year, the school district 3056

received a grade of "A" or "B" for the performance index score 3057
under division (B)(1)(b) and for the value-added dimension under 3058
division (B)(1)(e) of section 3302.03 of the Revised Code. 3059

(4) For the 2014-2015 school year and for any school year 3060
thereafter, the school district received an overall grade of "A" 3061
or "B" under division (C)(2) of section 3302.03 of the Revised 3062
Code. 3063

~~(A)~~(B) The state board of education shall adopt rules 3064
requiring school districts with a total student count of over five 3065
thousand, as determined pursuant to section 3317.03 of the Revised 3066
Code, to designate one school building to be operated by a 3067
site-based management council. The rules shall specify the 3068
composition of the council and the manner in which members of the 3069
council are to be selected and removed. 3070

~~(B)~~(C) The rules adopted under division ~~(A)~~(B) of this 3071
section shall specify those powers, duties, functions, and 3072
responsibilities that shall be vested in the management council 3073
and that would otherwise be exercised by the district board of 3074
education. The rules shall also establish a mechanism for 3075
resolving any differences between the council and the district 3076
board if there is disagreement as to their respective powers, 3077
duties, functions, and responsibilities. 3078

~~(C)~~(D) The board of education of any school district 3079
described by division ~~(A)~~(B) of this section may, in lieu of 3080
complying with the rules adopted under this section, file with the 3081
department of education an alternative structure for a district 3082
site-based management program in at least one of its school 3083
buildings. The proposal shall specify the composition of the 3084
council, which shall include an equal number of parents and 3085
teachers and the building principal, and the method of selection 3086
and removal of the council members. The proposal shall also 3087
clearly delineate the respective powers, duties, functions, and 3088

responsibilities of the district board and the council. The 3089
district's proposal shall comply substantially with the rules 3090
adopted under division ~~(A)~~(B) of this section. 3091

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 3092
the superintendent of public instruction shall appoint 3093
representatives of the department of education, including 3094
employees who work with the education management information 3095
system, to a committee to develop report card models for community 3096
schools. The committee shall design model report cards appropriate 3097
for the various types of community schools approved to operate in 3098
the state. Sufficient models shall be developed to reflect the 3099
variety of grade levels served and the missions of the state's 3100
community schools. All models shall include both financial and 3101
academic data. The initial models shall be developed by March 31, 3102
2000. 3103

(B) The Except as provided in section 3314.017 of the Revised 3104
Code, the department of education shall issue an annual report 3105
card for each community school, regardless of how long the school 3106
has been in operation. The report card shall report the academic 3107
and financial performance of the school utilizing one of the 3108
models developed under division (A) of this section. The report 3109
card shall include all information applicable to school buildings 3110
under ~~division~~ divisions (A), (B), (C), and (D) of section 3302.03 3111
of the Revised Code. The ratings a community school receives under 3112
section 3302.03 of the Revised Code for its first two full school 3113
years shall not be considered toward automatic closure of the 3114
school under section 3314.35 of the Revised Code or any other 3115
matter that is based on report card ratings. 3116

(C) Upon receipt of a copy of a contract between a sponsor 3117
and a community school entered into under this chapter, the 3118
department of education shall notify the community school of the 3119

specific model report card that will be used for that school. 3120

(D) Report cards shall be distributed to the parents of all 3121
students in the community school, to the members of the board of 3122
education of the school district in which the community school is 3123
located, and to any person who requests one from the department. 3124

Sec. 3314.015. (A) The department of education shall be 3125
responsible for the oversight of any and all sponsors of the 3126
community schools established under this chapter and shall provide 3127
technical assistance to schools and sponsors in their compliance 3128
with applicable laws and the terms of the contracts entered into 3129
under section 3314.03 of the Revised Code and in the development 3130
and start-up activities of those schools. In carrying out its 3131
duties under this section, the department shall do all of the 3132
following: 3133

(1) In providing technical assistance to proposing parties, 3134
governing authorities, and sponsors, conduct training sessions and 3135
distribute informational materials; 3136

(2) Approve entities to be sponsors of community schools; 3137

(3) Monitor and evaluate, as required under section 3314.016 3138
of the Revised Code, the effectiveness of any and all sponsors in 3139
their oversight of the schools with which they have contracted; 3140

(4) By December thirty-first of each year, issue a report to 3141
the governor, the speaker of the house of representatives, the 3142
president of the senate, and the chairpersons of the house and 3143
senate committees principally responsible for education matters 3144
regarding the effectiveness of academic programs, operations, and 3145
legal compliance and of the financial condition of all community 3146
schools established under this chapter and on the performance of 3147
community school sponsors; 3148

(5) From time to time, make legislative recommendations to 3149

the general assembly designed to enhance the operation and 3150
performance of community schools. 3151

(B) (1) Except as provided in sections 3314.021 and 3314.027 3152
of the Revised Code, no entity listed in division (C) (1) of 3153
section 3314.02 of the Revised Code shall enter into a preliminary 3154
agreement under division (C) (2) of section 3314.02 of the Revised 3155
Code until it has received approval from the department of 3156
education to sponsor community schools under this chapter and has 3157
entered into a written agreement with the department regarding the 3158
manner in which the entity will conduct such sponsorship. The 3159
department shall adopt in accordance with Chapter 119. of the 3160
Revised Code rules containing criteria, procedures, and deadlines 3161
for processing applications for such approval, for oversight of 3162
sponsors, for revocation of the approval of sponsors, and for 3163
entering into written agreements with sponsors. The rules shall 3164
require an entity to submit evidence of the entity's ability and 3165
willingness to comply with the provisions of division (D) of 3166
section 3314.03 of the Revised Code. The rules also shall require 3167
entities approved as sponsors on and after June 30, 2005, to 3168
demonstrate a record of financial responsibility and successful 3169
implementation of educational programs. If an entity seeking 3170
approval on or after June 30, 2005, to sponsor community schools 3171
in this state sponsors or operates schools in another state, at 3172
least one of the schools sponsored or operated by the entity must 3173
be comparable to or better than the performance of Ohio schools in 3174
need of continuous improvement under section 3302.03 of the 3175
Revised Code, as determined by the department. 3176

Subject to section 3314.016 of the Revised Code, an entity 3177
that sponsors community schools may enter into preliminary 3178
agreements and sponsor up to one hundred schools, provided each 3179
school and the contract for sponsorship meets the requirements of 3180
this chapter. 3181

(2) The ~~department~~ state board of education shall determine, 3182
pursuant to criteria ~~adopted by rule of the department~~ specified 3183
in rules adopted in accordance with Chapter 119. of the Revised 3184
Code, whether the mission proposed to be specified in the contract 3185
of a community school to be sponsored by a state university board 3186
of trustees or the board's designee under division (C) (1) (e) of 3187
section 3314.02 of the Revised Code complies with the requirements 3188
of that division. Such determination of the ~~department~~ state board 3189
is final. 3190

(3) The ~~department~~ state board of education shall determine, 3191
pursuant to criteria ~~adopted by rule of the department~~ specified 3192
in rules adopted in accordance with Chapter 119. of the Revised 3193
Code, if any tax-exempt entity under section 501(c) (3) of the 3194
Internal Revenue Code that is proposed to be a sponsor of a 3195
community school is an education-oriented entity for purpose of 3196
satisfying the condition prescribed in division (C) (1) (f) (iii) of 3197
section 3314.02 of the Revised Code. Such determination of the 3198
~~department~~ state board is final. 3199

(C) If at any time the state board of education finds that a 3200
sponsor is not in compliance or is no longer willing to comply 3201
with its contract with any community school or with the 3202
department's rules for sponsorship, the state board or designee 3203
shall conduct a hearing in accordance with Chapter 119. of the 3204
Revised Code on that matter. If after the hearing, the state board 3205
or designee has confirmed the original finding, the department of 3206
education may revoke the sponsor's approval to sponsor community 3207
schools. In that case, the department's office of Ohio school 3208
sponsorship, established under section 3314.029 of the Revised 3209
Code, may assume the sponsorship of any schools with which the 3210
sponsor has contracted until the earlier of the expiration of two 3211
school years or until a new sponsor as described in division 3212
(C) (1) of section 3314.02 of the Revised Code is secured by the 3213

school's governing authority. The office of Ohio school 3214
sponsorship may extend the term of the contract in the case of a 3215
school for which it has assumed sponsorship under this division as 3216
necessary to accommodate the term of the department's 3217
authorization to sponsor the school specified in this division. 3218
Community schools sponsored under this division shall not apply to 3219
the limit on directly authorized community schools under division 3220
(A) (3) of section 3314.029 of the Revised Code. However, nothing 3221
in this division shall preclude a community school affected by 3222
this division from applying for sponsorship under that section. 3223

(D) The decision of the department to disapprove an entity 3224
for sponsorship of a community school or to revoke approval for 3225
such sponsorship under division (C) of this section, may be 3226
appealed by the entity in accordance with section 119.12 of the 3227
Revised Code. 3228

(E) The department shall adopt procedures for use by a 3229
community school governing authority and sponsor when the school 3230
permanently closes and ceases operation, which shall include at 3231
least procedures for data reporting to the department, handling of 3232
student records, distribution of assets in accordance with section 3233
3314.074 of the Revised Code, and other matters related to ceasing 3234
operation of the school. 3235

(F) In carrying out its duties under this chapter, the 3236
department shall not impose requirements on community schools or 3237
their sponsors that are not permitted by law or duly adopted 3238
rules. 3239

Sec. 3314.016. This section applies to any entity that 3240
sponsors a community school, regardless of whether section 3241
3314.021 or 3314.027 of the Revised Code exempts the entity from 3242
the requirement to be approved for sponsorship under divisions 3243
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 3244

office of Ohio school sponsorship established under section 3245
3314.029 of the Revised Code shall be ~~ranked~~ rated under division 3246
(B) of this section, but divisions (A) and (C) of this section do 3247
not apply to the office. 3248

(A) An entity that sponsors a community school shall be 3249
permitted to enter into contracts under section 3314.03 of the 3250
Revised Code to sponsor additional community schools only if the 3251
entity meets both of the following criteria: 3252

(1) The entity is in compliance with all provisions of this 3253
chapter requiring sponsors of community schools to report data or 3254
information to the department of education. 3255

(2) The entity is not ~~ranked in the lowest twenty per cent of~~ 3256
~~community school sponsors on the ranking prescribed by~~ rated as 3257
"ineffective" under division (B)(6) of this section. 3258

(B)(1) For purposes of this section, the department shall 3259
develop a ~~composite performance index score, as defined in section~~ 3260
~~3302.01 of the Revised Code, that measures the academic and~~ 3261
implement an evaluation system that rates each entity that 3262
sponsors a community school based on the following components: 3263

(a) Academic performance of students enrolled in community 3264
schools sponsored by the same entity; 3265

(b) Adherence by a sponsor to the quality practices 3266
prescribed by the department under division (B)(3) of this 3267
section. The department shall not include this measure in the 3268
sponsor evaluation rating system until the department prescribes 3269
quality practices and develops an instrument to measure adherence 3270
to those practices under division (B)(3) of this section. 3271

(c) Compliance with applicable laws and administrative rules 3272
by an entity that sponsors a community school. 3273

(2) In calculating an entity's ~~composite~~ academic performance 3274

~~index score component~~, the department shall exclude all of the 3275
following: 3276

(a) All community schools that have been in operation for 3277
less than two full school years; 3278

(b) All community schools described in division (A) ~~(3)~~ (4) (b) 3279
of section 3314.35 of the Revised Code, ~~but the department shall~~ 3280
~~cease to exclude the schools described in division (A) (3) (a) of~~ 3281
~~that section if those schools become subject to closure under~~ 3282
~~division (D) of that section.~~ 3283

(3) Not later than March 31, 2013, the department, in 3284
consultation with entities that sponsor community schools, shall 3285
prescribe quality practices for community school sponsors and 3286
develop an instrument to measure adherence to those quality 3287
practices. The quality practices shall be based on standards 3288
developed by the national association of charter school 3289
authorizers or any other nationally organized community school 3290
organization. 3291

(4) (a) The department may permit peer review of a sponsor's 3292
adherence to the quality practices prescribed under division 3293
(B) (3) of this section. 3294

(b) The department shall require individuals participating in 3295
peer review under division (B) (4) (a) of this section to complete 3296
training approved or established by the department. 3297

(c) The department may enter into an agreement with another 3298
entity to provide training to individuals conducting peer review 3299
of sponsors. Prior to entering into an agreement with an entity, 3300
the department shall review and approve of the entity's training 3301
program. 3302

(5) The state board of education shall adopt rules in 3303
accordance with Chapter 119. of the Revised Code prescribing 3304
standards for measuring compliance with applicable laws and rules 3305

under division (B)(1)(c) of this section. 3306

(6) The department annually shall rank rate all entities that 3307
sponsor community schools from highest to lowest according to the 3308
entities' composite performance index scores and as either 3309
"exemplary," "effective," or "ineffective," based on the 3310
components prescribed by division (B) of this section, where each 3311
component is weighted equally. 3312

The department shall publish the rankings ratings between the 3313
first day of October and the fifteenth day of October. 3314

(C) If the governing authority of a community school enters 3315
into a contract with a sponsor prior to the date on which the 3316
sponsor is prohibited from sponsoring additional schools under 3317
division (A) of this section and the school has not opened for 3318
operation as of that date, that contract shall be void and the 3319
school shall not open until the governing authority secures a new 3320
sponsor by entering into a contract with the new sponsor under 3321
section 3314.03 of the Revised Code. 3322

Sec. 3314.017. (A) The state board of education shall 3323
prescribe by rules, adopted in accordance with Chapter 119. of the 3324
Revised Code, an academic performance rating and report card 3325
system that satisfies the requirements of this section for 3326
community schools that primarily serve students enrolled in 3327
dropout prevention and recovery programs as described in division 3328
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 3329
lieu of the system prescribed under sections 3302.03 and 3314.012 3330
of the Revised Code beginning with the 2012-2013 school year. Each 3331
such school shall comply with the testing and reporting 3332
requirements of the system as prescribed by the state board. 3333

(B) Nothing in this section shall at any time relieve a 3334
school from its obligations under the "No Child Left Behind Act of 3335
2001" to make "adequate yearly progress," as both that act and 3336

that term are defined in section 3302.01 of the Revised Code, or a 3337
school's amenability to the provisions of section 3302.04 or 3338
3302.041 of the Revised Code. The department shall continue to 3339
report each school's performance as required by the act and to 3340
enforce applicable sanctions under section 3302.04 or 3302.041 of 3341
the Revised Code. 3342

(C) The rules adopted by the state board shall prescribe the 3343
following performance indicators for the rating and report card 3344
system required by this section: 3345

(1) Graduation rate for each of the following student 3346
cohorts: 3347

(a) Percentage of students currently enrolled in a school who 3348
entered ninth grade for the first time four years prior to the 3349
current school year and earned a high school diploma by the 3350
completion of the current school year; 3351

(b) Percentage of students currently enrolled in a school who 3352
entered ninth grade for the first time five years prior to the 3353
current school year and earned a high school diploma by the 3354
completion of the current school year; 3355

(c) Percentage of students currently enrolled in a school who 3356
entered ninth grade for the first time six years prior to the 3357
current school year and earned a high school diploma by the 3358
completion of the current school year; 3359

(d) Percentage of students currently enrolled in a school who 3360
entered ninth grade for the first time seven years prior to the 3361
current school year and earned a high school diploma by the 3362
completion of the current school year; 3363

(e) Percentage of students currently enrolled in a school who 3364
entered ninth grade for the first time eight years prior to the 3365
current school year and earned a high school diploma by the 3366
completion of the current school year. 3367

(2) The percentage of twelfth-grade students currently 3368
enrolled in the school who have attained the designated passing 3369
score on all of the applicable state high school achievement 3370
assessments required under division (B) (1) or (2) of section 3371
3301.0710 of the Revised Code and other students enrolled in the 3372
school, regardless of grade level, who are within three months of 3373
their twenty-second birthday and have attained the designated 3374
passing score on all of the applicable state high school 3375
achievement assessments by their twenty-second birthday; 3376

(3) Annual measurable objectives (AMO) to determine if a 3377
school is making adequate yearly progress in closing achievement 3378
gaps between students of different subgroups; 3379

(4) Growth in student achievement in reading, or mathematics, 3380
or both as measured by separate nationally norm-referenced 3381
assessments, adopted or approved by the state board. 3382

(D) (1) The state board's rules shall prescribe the expected 3383
performance levels and benchmarks for each of the indicators 3384
prescribed by division (C) of this section based on the data 3385
gathered by the department under division (F) of this section. 3386
Based on a school's level of attainment or nonattainment of the 3387
expected performance levels and benchmarks for each of the 3388
indicators, the department shall rate each school in one of the 3389
following categories; 3390

(a) Exceeds standards; 3391

(b) Meets standards; 3392

(c) Does not meet standards. 3393

(2) The state board's rules shall establish all of the 3394
following: 3395

(a) Not later than March 31, 2013, performance levels and 3396
benchmarks for the indicators described in divisions (C) (1) to (3) 3397

| | |
|--|------|
| <u>of this section;</u> | 3398 |
| <u>(b) Not later than December 31, 2014, both of the following:</u> | 3399 |
| <u>(i) Performance levels and benchmarks for the indicator</u> | 3400 |
| <u>described in division (C)(4) of this section;</u> | 3401 |
| <u>(ii) Standards for awarding a community school described in</u> | 3402 |
| <u>division (A)(4)(a) of section 3314.35 of the Revised Code an</u> | 3403 |
| <u>overall designation, which shall be calculated as follows:</u> | 3404 |
| <u>(I) Thirty per cent of the score shall be based on the</u> | 3405 |
| <u>indicators described in division (C)(1) of this section.</u> | 3406 |
| <u>(II) Thirty per cent of the score shall be based on the</u> | 3407 |
| <u>indicators described in division (C)(4) of this section.</u> | 3408 |
| <u>(III) Twenty per cent of the score shall be based on the</u> | 3409 |
| <u>indicators described in division (C)(2) of this section.</u> | 3410 |
| <u>(IV) Twenty per cent of the score shall be based on the</u> | 3411 |
| <u>indicators described in division (C)(3) of this section.</u> | 3412 |
| <u>(3) If both of the indicators described in divisions (C)(1)</u> | 3413 |
| <u>and (2) of this section improve by ten per cent for two</u> | 3414 |
| <u>consecutive years, a school shall be rated as "meets standards."</u> | 3415 |
| <u>The rating and the relevant performance data for each school</u> | 3416 |
| <u>shall be posted on the department's web site, and a hard copy of</u> | 3417 |
| <u>the rating and data shall be mailed to the governing authority of</u> | 3418 |
| <u>the community school.</u> | 3419 |
| <u>(E)(1) For the 2012-2013 school year, the department shall</u> | 3420 |
| <u>issue a report card including the following performance measures,</u> | 3421 |
| <u>but without a performance rating as described in divisions</u> | 3422 |
| <u>(D)(1)(a) to (c) of this section, for each community school</u> | 3423 |
| <u>described in division (A)(4)(a) of section 3314.35 of the Revised</u> | 3424 |
| <u>Code:</u> | 3425 |
| <u>(a) The graduation rates as described in division (C)(1) of</u> | 3426 |
| <u>this section;</u> | 3427 |

(b) The percentage of twelfth-grade students and other 3428
students who have attained a designated passing score on high 3429
school achievement assessments as described in division (C)(2) of 3430
this section; 3431

(c) The statewide average for the graduation rates and 3432
assessment passage rates described in divisions (C)(1) and (2) of 3433
this section; 3434

(d) Annual measurable objectives described in division (C)(3) 3435
of this section. 3436

(2) For the 2013-2014 school year, the department shall issue 3437
a report card including the following performance measures for 3438
each community school described in division (A)(4) of section 3439
3314.35 of the Revised Code; 3440

(a) The graduation rates described in division (C)(1) of this 3441
section, including a performance rating as described in divisions 3442
(D)(1)(a) to (c) of this section; 3443

(b) The percentage of twelfth-grade students and other 3444
students who have attained a designated passing score on high 3445
school achievement assessments as described in division (C)(2) of 3446
this section, including a performance rating as described in 3447
divisions (D)(1)(a) to (c) of this section; 3448

(c) Annual measurable objectives described in division (C)(3) 3449
of this section, including a performance rating as described in 3450
divisions (D)(1)(a) to (c) of this section; 3451

(d) Both of the following without an assigned rating: 3452

(i) Growth in annual student achievement in reading and 3453
mathematics described in division (C)(4)(a) of this section, if 3454
available; 3455

(ii) Student outcome data, including postsecondary credit 3456
earned, nationally recognized career or technical certification, 3457

military enlistment, job placement, attendance rate, and progress 3458
on closing achievement gaps. 3459

(3) Beginning with the 2014-2015 school year, and annually 3460
thereafter, the department shall issue a report card for each 3461
community school described in division (A)(4)(a) of section 3462
3314.35 of the Revised Code that includes all of the following 3463
performance measures, including a performance rating for each 3464
measure as described in divisions (D)(1)(a) to (c) of this 3465
section: 3466

(a) The graduation rates as described in division (C)(1) of 3467
this section: 3468

(b) The percentage of twelfth-grade students and other 3469
students who have attained a designated passing score on high 3470
school achievement assessments as described in division (C)(2) of 3471
this section: 3472

(c) Annual measurable objectives described in division (C)(3) 3473
of this section, including a performance rating as described in 3474
divisions (D)(1)(a) to (c) of this section: 3475

(d) Growth in annual student achievement in reading and 3476
mathematics as described in division (C)(4) of this section: 3477

(e) An overall performance designation for the school 3478
calculated under rules adopted under division (D)(2) of this 3479
section. 3480

The department shall also include student outcome data, 3481
including postsecondary credit earned, nationally recognized 3482
career or technical certification, military enlistment, job 3483
placement, attendance rate, and progress on closing achievement 3484
gaps for each school. This information shall not be included in 3485
the calculation of a school's performance rating. 3486

(F) In developing the rating and report card system required 3487

by this section, during the 2012-2013 and 2013-2014 school years, 3488
the department shall gather and analyze data as determined 3489
necessary from each community school described in division 3490
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 3491
shall cooperate with the department by supplying requested data 3492
and administering required assessments, including sample 3493
assessments for purposes of measuring student achievement growth 3494
as described in division (C)(4) of this section. The department 3495
shall consult with stakeholder groups in performing its duties 3496
under this division. 3497

The department shall also identify one or more states that 3498
have established or are in the process of establishing similar 3499
academic performance rating systems for dropout prevention and 3500
recovery programs and consult with the departments of education of 3501
those states in developing the system required by this section. 3502

Sec. 3314.02. (A) As used in this chapter: 3503

(1) "Sponsor" means the board of education of a school 3504
district or the governing board of an educational service center 3505
that agrees to the conversion of all or part of a school or 3506
building under division (B) of this section, or an entity listed 3507
in division (C)(1) of this section, which either has been approved 3508
by the department of education to sponsor community schools or is 3509
exempted by section 3314.021 or 3314.027 of the Revised Code from 3510
obtaining approval, and with which the governing authority of a 3511
community school enters into a contract under section 3314.03 of 3512
the Revised Code. 3513

(2) "Pilot project area" means the school districts included 3514
in the territory of the former community school pilot project 3515
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3516
the 122nd general assembly. 3517

(3) "Challenged school district" means any of the following: 3518

- (a) A school district that is part of the pilot project area; 3519
- (b) A school district that ~~is either~~ meets one of the 3520
following conditions: 3521
- (i) On the effective date of this amendment, the district was 3522
in a state of academic emergency or in a state of academic watch 3523
under section 3302.03 of the Revised Code, as that section existed 3524
prior to the effective date of this amendment; 3525
- (ii) For two of the 2012-2013, 2013-2014, and 2014-2015 3526
school years, the district received a grade of "D" or "F" for the 3527
performance index score or a grade of "F" for the value-added 3528
progress dimension under section 3302.03 of the Revised Code; 3529
- (iii) For the 2015-2016 school year and for any school year 3530
thereafter, the district has received an overall grade of "D" or 3531
"F" under division (C)(2) of section 3302.03 of the Revised Code, 3532
or, for at least two of the three most recent school years, the 3533
district received a grade of "F" for the value-added progress 3534
dimension under division (C)(1)(e) of that section. 3535
- (c) A big eight school district; 3536
- (d) A school district ranked in the lowest five per cent of 3537
school districts according to performance index score under 3538
section 3302.21 of the Revised Code. 3539
- (4) "Big eight school district" means a school district that 3540
for fiscal year 1997 had both of the following: 3541
- (a) A percentage of children residing in the district and 3542
participating in the predecessor of Ohio works first greater than 3543
thirty per cent, as reported pursuant to section 3317.10 of the 3544
Revised Code; 3545
- (b) An average daily membership greater than twelve thousand, 3546
as reported pursuant to former division (A) of section 3317.03 of 3547
the Revised Code. 3548

(5) "New start-up school" means a community school other than 3549
one created by converting all or part of an existing public school 3550
or educational service center building, as designated in the 3551
school's contract pursuant to division (A) (17) of section 3314.03 3552
of the Revised Code. 3553

(6) "Urban school district" means one of the state's 3554
twenty-one urban school districts as defined in division (O) of 3555
section 3317.02 of the Revised Code as that section existed prior 3556
to July 1, 1998. 3557

(7) "Internet- or computer-based community school" means a 3558
community school established under this chapter in which the 3559
enrolled students work primarily from their residences on 3560
assignments in nonclassroom-based learning opportunities provided 3561
via an internet- or other computer-based instructional method that 3562
does not rely on regular classroom instruction or via 3563
comprehensive instructional methods that include internet-based, 3564
other computer-based, and noncomputer-based learning 3565
opportunities. 3566

(8) "Operator" means either of the following: 3567

(a) An individual or organization that manages the daily 3568
operations of a community school pursuant to a contract between 3569
the operator and the school's governing authority; 3570

(b) A nonprofit organization that provides programmatic 3571
oversight and support to a community school under a contract with 3572
the school's governing authority and that retains the right to 3573
terminate its affiliation with the school if the school fails to 3574
meet the organization's quality standards. 3575

(B) Any person or group of individuals may initially propose 3576
under this division the conversion of all or a portion of a public 3577
school or a building operated by an educational service center to 3578
a community school. The proposal shall be made to the board of 3579

education of the city, local, exempted village, or joint 3580
vocational school district in which the public school is proposed 3581
to be converted or, in the case of the conversion of a building 3582
operated by an educational service center, to the governing board 3583
of the service center. Upon receipt of a proposal, a board may 3584
enter into a preliminary agreement with the person or group 3585
proposing the conversion of the public school or service center 3586
building, indicating the intention of the board to support the 3587
conversion to a community school. A proposing person or group that 3588
has a preliminary agreement under this division may proceed to 3589
finalize plans for the school, establish a governing authority for 3590
the school, and negotiate a contract with the board. Provided the 3591
proposing person or group adheres to the preliminary agreement and 3592
all provisions of this chapter, the board shall negotiate in good 3593
faith to enter into a contract in accordance with section 3314.03 3594
of the Revised Code and division (C) of this section. 3595

(C) (1) Any person or group of individuals may propose under 3596
this division the establishment of a new start-up school to be 3597
located in a challenged school district. The proposal may be made 3598
to any of the following entities: 3599

(a) The board of education of the district in which the 3600
school is proposed to be located; 3601

(b) The board of education of any joint vocational school 3602
district with territory in the county in which is located the 3603
majority of the territory of the district in which the school is 3604
proposed to be located; 3605

(c) The board of education of any other city, local, or 3606
exempted village school district having territory in the same 3607
county where the district in which the school is proposed to be 3608
located has the major portion of its territory; 3609

(d) The governing board of any educational service center, as 3610

long as the proposed school will be located in a county within the 3611
territory of the service center or in a county contiguous to such 3612
county⁷. However, the governing board of an educational service 3613
center may sponsor a new start-up school in any challenged school 3614
district in the state, if it is approved to do so by the 3615
department and enters into an agreement with the department under 3616
section 3314.015 of the Revised Code. 3617

(e) A sponsoring authority designated by the board of 3618
trustees of any of the thirteen state universities listed in 3619
section 3345.011 of the Revised Code or the board of trustees 3620
itself as long as a mission of the proposed school to be specified 3621
in the contract under division (A)(2) of section 3314.03 of the 3622
Revised Code and as approved by the department ~~of education~~ under 3623
division (B)(2) of section 3314.015 of the Revised Code will be 3624
the practical demonstration of teaching methods, educational 3625
technology, or other teaching practices that are included in the 3626
curriculum of the university's teacher preparation program 3627
approved by the state board of education; 3628

(f) Any qualified tax-exempt entity under section 501(c)(3) 3629
of the Internal Revenue Code as long as all of the following 3630
conditions are satisfied: 3631

(i) The entity has been in operation for at least five years 3632
prior to applying to be a community school sponsor. 3633

(ii) The entity has assets of at least five hundred thousand 3634
dollars and a demonstrated record of financial responsibility. 3635

(iii) The department ~~of education~~ has determined that the 3636
entity is an education-oriented entity under division (B)(3) of 3637
section 3314.015 of the Revised Code and the entity has a 3638
demonstrated record of successful implementation of educational 3639
programs. 3640

(iv) The entity is not a community school. 3641

Any entity described in division (C) (1) of this section may 3642
enter into a preliminary agreement pursuant to division (C) (2) of 3643
this section with the proposing person or group. 3644

(2) A preliminary agreement indicates the intention of an 3645
entity described in division (C) (1) of this section to sponsor the 3646
community school. A proposing person or group that has such a 3647
preliminary agreement may proceed to finalize plans for the 3648
school, establish a governing authority as described in division 3649
(E) of this section for the school, and negotiate a contract with 3650
the entity. Provided the proposing person or group adheres to the 3651
preliminary agreement and all provisions of this chapter, the 3652
entity shall negotiate in good faith to enter into a contract in 3653
accordance with section 3314.03 of the Revised Code. 3654

(3) A new start-up school that is established in a school 3655
~~district while that district is either in a state of academic~~ 3656
~~emergency or in a state of academic watch under section 3302.03 of~~ 3657
~~the Revised Code or ranked in the lowest five per cent according~~ 3658
~~to performance index score under section 3302.21 of the Revised~~ 3659
~~Code described in either division (A) (2) (b) or (d) of this section~~ 3660
may continue in existence once the school district ~~is~~ no longer in 3661
~~a state of academic emergency or academic watch or ranked in the~~ 3662
~~lowest five per cent according to performance index score~~ meets 3663
the conditions described in either division, provided there is a 3664
valid contract between the school and a sponsor. 3665

(4) A copy of every preliminary agreement entered into under 3666
this division shall be filed with the superintendent of public 3667
instruction. 3668

(D) A majority vote of the board of a sponsoring entity and a 3669
majority vote of the members of the governing authority of a 3670
community school shall be required to adopt a contract and convert 3671
the public school or educational service center building to a 3672
community school or establish the new start-up school. Beginning 3673

September 29, 2005, adoption of the contract shall occur not later 3674
than the fifteenth day of March, and signing of the contract shall 3675
occur not later than the fifteenth day of May, prior to the school 3676
year in which the school will open. The governing authority shall 3677
notify the department of education when the contract has been 3678
signed. Subject to sections 3314.013 and 3314.016 of the Revised 3679
Code, an unlimited number of community schools may be established 3680
in any school district provided that a contract is entered into 3681
for each community school pursuant to this chapter. 3682

(E)(1) As used in this division, "immediate relatives" are 3683
limited to spouses, children, parents, grandparents, siblings, and 3684
in-laws. 3685

Each new start-up community school established under this 3686
chapter shall be under the direction of a governing authority 3687
which shall consist of a board of not less than five individuals. 3688

No person shall serve on the governing authority or operate 3689
the community school under contract with the governing authority 3690
so long as the person owes the state any money or is in a dispute 3691
over whether the person owes the state any money concerning the 3692
operation of a community school that has closed. 3693

(2) No person shall serve on the governing authorities of 3694
more than five start-up community schools at the same time. 3695

(3) No present or former member, or immediate relative of a 3696
present or former member, of the governing authority of any 3697
community school established under this chapter shall be an owner, 3698
employee, or consultant of any sponsor or operator of a community 3699
school, unless at least one year has elapsed since the conclusion 3700
of the person's membership. 3701

(4) The governing authority of a start-up community school 3702
may provide by resolution for the compensation of its members. 3703
However, no individual who serves on the governing authority of a 3704

start-up community school shall be compensated more than four 3705
hundred twenty-five dollars per meeting of that governing 3706
authority and no such individual shall be compensated more than a 3707
total amount of five thousand dollars per year for all governing 3708
authorities upon which the individual serves. 3709

(F) (1) A new start-up school that is established prior to 3710
August 15, 2003, in an urban school district that is not also a 3711
big-eight school district may continue to operate after that date 3712
and the contract between the school's governing authority and the 3713
school's sponsor may be renewed, as provided under this chapter, 3714
after that date, but no additional new start-up schools may be 3715
established in such a district unless the district is a challenged 3716
school district as defined in this section as it exists on and 3717
after that date. 3718

(2) A community school that was established prior to June 29, 3719
1999, and is located in a county contiguous to the pilot project 3720
area and in a school district that is not a challenged school 3721
district may continue to operate after that date, provided the 3722
school complies with all provisions of this chapter. The contract 3723
between the school's governing authority and the school's sponsor 3724
may be renewed, but no additional start-up community school may be 3725
established in that district unless the district is a challenged 3726
school district. 3727

(3) Any educational service center that, on June 30, 2007, 3728
sponsors a community school that is not located in a county within 3729
the territory of the service center or in a county contiguous to 3730
such county may continue to sponsor that community school on and 3731
after June 30, 2007, and may renew its contract with the school. 3732
However, the educational service center shall not enter into a 3733
contract with any additional community school, unless the school 3734
is located in a county within the territory of the service center 3735
or in a county contiguous to such county, or unless the governing 3736

board of the service center has entered into an agreement with the 3737
department authorizing the service center to sponsor a community 3738
school in any challenged school district in the state. 3739

Sec. 3314.05. (A) The contract between the community school 3740
and the sponsor shall specify the facilities to be used for the 3741
community school and the method of acquisition. Except as provided 3742
in divisions (B) (3) and (4) of this section, no community school 3743
shall be established in more than one school district under the 3744
same contract. 3745

(B) Division (B) of this section shall not apply to internet- 3746
or computer-based community schools. 3747

(1) A community school may be located in multiple facilities 3748
under the same contract only if the limitations on availability of 3749
space prohibit serving all the grade levels specified in the 3750
contract in a single facility or division (B) (2), (3), or (4) of 3751
this section applies to the school. The school shall not offer the 3752
same grade level classrooms in more than one facility. 3753

(2) A community school may be located in multiple facilities 3754
under the same contract and, notwithstanding division (B) (1) of 3755
this section, may assign students in the same grade level to 3756
multiple facilities, as long as all of the following apply: 3757

(a) The governing authority of the community school filed a 3758
copy of its contract with the school's sponsor under section 3759
3314.03 of the Revised Code with the superintendent of public 3760
instruction on or before May 15, 2008. 3761

(b) The school was not open for operation prior to July 1, 3762
2008. 3763

(c) The governing authority has entered into and maintains a 3764
contract with an operator of the type described in division 3765
(A) (8) (b) of section 3314.02 of the Revised Code. 3766

(d) The contract with that operator qualified the school to 3767
be established pursuant to division (A) of former section 3314.016 3768
of the Revised Code. 3769

(e) Section 3314.017 of the Revised Code does not apply to 3770
the school. 3771

(f) The school's rating under section 3302.03 of the Revised 3772
Code does not fall below ~~"in need of continuous improvement"~~ a 3773
combination of any of the following for two or more consecutive 3774
years: 3775

(i) A rating of "in need of continuous improvement" under 3776
section 3302.03 of the Revised Code, as that section existed prior 3777
to the effective date of this section; 3778

(ii) For the 2012-2013 and 2013-2014 school years, a rating 3779
of "C" for both the performance index score under division 3780
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 3781
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 3782
Code; 3783

(iii) For the 2014-2015 school year and for any school year 3784
thereafter, an overall grade of "C" under division (C)(2) of 3785
section 3302.03 of the Revised Code. 3786

(3) A new start-up community school may be established in two 3787
school districts under the same contract if all of the following 3788
apply: 3789

(a) At least one of the school districts in which the school 3790
is established is a challenged school district; 3791

(b) The school operates not more than one facility in each 3792
school district and, in accordance with division (B)(1) of this 3793
section, the school does not offer the same grade level classrooms 3794
in both facilities; and 3795

(c) Transportation between the two facilities does not 3796

require more than thirty minutes of direct travel time as measured 3797
by school bus. 3798

In the case of a community school to which division (B)(3) of 3799
this section applies, if only one of the school districts in which 3800
the school is established is a challenged school district, that 3801
district shall be considered the school's primary location and the 3802
district in which the school is located for the purposes of 3803
division (A)(19) of section 3314.03 and divisions (C) and (H) of 3804
section 3314.06 of the Revised Code and for all other purposes of 3805
this chapter. If both of the school districts in which the school 3806
is established are challenged school districts, the school's 3807
governing authority shall designate one of those districts to be 3808
considered the school's primary location and the district in which 3809
the school is located for the purposes of those divisions and all 3810
other purposes of this chapter and shall notify the department of 3811
education of that designation. 3812

(4) A community school may be located in multiple facilities 3813
under the same contract and, notwithstanding division (B)(1) of 3814
this section, may assign students in the same grade level to 3815
multiple facilities, as long as both of the following apply: 3816

(a) The facilities are all located in the same county. 3817

(b) The governing authority has entered into and maintains a 3818
contract with an operator. 3819

In the case of a community school to which division (B)(4) of 3820
this section applies and that maintains facilities in more than 3821
one school district, the school's governing authority shall 3822
designate one of those districts to be considered the school's 3823
primary location and the district in which the school is located 3824
for the purposes of division (A)(19) of section 3314.03 and 3825
divisions (C) and (H) of section 3314.06 of the Revised Code and 3826
for all other purposes of this chapter and shall notify the 3827

department of that designation. 3828

(5) Any facility used for a community school shall meet all 3829
health and safety standards established by law for school 3830
buildings. 3831

(C) In the case where a community school is proposed to be 3832
located in a facility owned by a school district or educational 3833
service center, the facility may not be used for such community 3834
school unless the district or service center board owning the 3835
facility enters into an agreement for the community school to 3836
utilize the facility. Use of the facility may be under any terms 3837
and conditions agreed to by the district or service center board 3838
and the school. 3839

(D) Two or more separate community schools may be located in 3840
the same facility. 3841

(E) In the case of a community school that is located in 3842
multiple facilities, beginning July 1, 2012, the department shall 3843
assign a unique identification number to the school and to each 3844
facility maintained by the school. Each number shall be used for 3845
identification purposes only. Nothing in this division shall be 3846
construed to require the department to calculate the amount of 3847
funds paid under this chapter, or to compute any data required for 3848
the report cards issued under section 3314.012 of the Revised 3849
Code, for each facility separately. The department shall make all 3850
such calculations or computations for the school as a whole. 3851

Sec. 3314.35. (A) (1) Except as provided in division (A) ~~(3)~~ (4) 3852
of this section, this section applies to any community school that 3853
meets one of the following criteria after July 1, 2009, but before 3854
July 1, 2011: 3855

(a) The school does not offer a grade level higher than three 3856
and has been declared to be in a state of academic emergency under 3857

section 3302.03 of the Revised Code for three of the four most recent school years. 3858
3859

(b) The school satisfies all of the following conditions: 3860

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 3861
3862

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 3863
3864
3865

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 3866
3867
3868
3869
3870

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 3871
3872
3873
3874

(2) Except as provided in division (A) ~~(3)~~ (4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013: 3875
3876
3877

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 3878
3879
3880
3881

(b) The school satisfies all of the following conditions: 3882

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 3883
3884

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 3885
3886
3887

(iii) In at least two of the three most recent school years, 3888
the school showed less than one standard year of academic growth 3889
in either reading or mathematics, as determined by the department 3890
in accordance with rules adopted under division (A) of section 3891
3302.021 of the Revised Code. 3892

(c) The school offers any of grade levels ten to twelve and 3893
has been declared to be in a state of academic emergency under 3894
section 3302.03 of the Revised Code for two of the three most 3895
recent school years. 3896

(3) Except as provided in division (A)(4) of this section, 3897
this section applies to any community school that meets one of the 3898
following criteria on or after July 1, 2013: 3899

(a) The school does not offer a grade level higher than three 3900
and, for two of the three most recent school years, satisfies any 3901
of the following criteria: 3902

(i) The school has been declared to be in a state of academic 3903
emergency under section 3302.03 of the Revised Code, as it existed 3904
prior to the effective date of this amendment; 3905

(ii) The school has received a grade of "F" in improving 3906
literacy in grades kindergarten through three under division 3907
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 3908

(iii) The school has received an overall grade of "F" under 3909
division (C) of section 3302.03 of the Revised Code. 3910

(b) The school offers any of grade levels four to eight but 3911
does not offer a grade level higher than nine and, for two of the 3912
three most recent school years, satisfies any of the following 3913
criteria: 3914

(i) The school has been declared to be in a state of academic 3915
emergency under section 3302.03 of the Revised Code, as it existed 3916
prior to the effective date of this amendment; 3917

(ii) The school has received a grade of "F" for the 3918
performance index score under division (A) (1) (b), (B) (1) (b), or 3919
(C) (1) (b) and a grade of "F" for the value-added progress 3920
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 3921
section 3302.03 of the Revised Code; 3922

(iii) The school has received an overall grade of "F" under 3923
division (C) and a grade of "F" for the value-added progress 3924
dimension under division (C) (1) (e) of section 3302.03 of the 3925
Revised Code. 3926

(c) The school offers any of grade levels ten to twelve and, 3927
for two of the three most recent school years, satisfies any of 3928
the following criteria: 3929

(i) The school has been declared to be in a state of academic 3930
emergency under section 3302.03 of the Revised Code, as it existed 3931
prior to the effective date of this amendment; 3932

(ii) The school has received a grade of "F" for the 3933
performance index score under division (A) (1) (b), (B) (1) (b), or 3934
(C) (1) (b) and has not met annual measurable objectives under 3935
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 of 3936
the Revised Code; 3937

(iii) The school has received an overall grade of "F" under 3938
division (C) and a grade of "F" for the value-added progress 3939
dimension under division (C) (1) (e) of section 3302.03 of the 3940
Revised Code. 3941

(4) This section does not apply to either of the following: 3942

(a) Any community school in which a majority of the students 3943
are enrolled in a dropout prevention and recovery program that is 3944
operated by the school and that has been granted a waiver under 3945
section 3314.36 of the Revised Code; Rather, such schools shall 3946
be subject to closure only as provided in section 3314.351 of the 3947
Revised Code. However, prior to July 1, 2014, a community school 3948

in which a majority of the students are enrolled in a dropout 3949
prevention and recovery program shall be exempt from this section 3950
only if it has been granted a waiver under section 3314.36 of the 3951
Revised Code. 3952

(b) Any community school in which a majority of the enrolled 3953
students are children with disabilities receiving special 3954
education and related services in accordance with Chapter 3323. of 3955
the Revised Code. 3956

(B) Any community school to which this section applies shall 3957
permanently close at the conclusion of the school year in which 3958
the school first becomes subject to this section. The sponsor and 3959
governing authority of the school shall comply with all procedures 3960
for closing a community school adopted by the department under 3961
division (E) of section 3314.015 of the Revised Code. The 3962
governing authority of the school shall not enter into a contract 3963
with any other sponsor under section 3314.03 of the Revised Code 3964
after the school closes. 3965

(C) In accordance with division (B) of section 3314.012 of 3966
the Revised Code, the department shall not consider the 3967
performance ratings assigned to a community school for its first 3968
two years of operation when determining whether the school meets 3969
the criteria prescribed by division (A) (1) or (2) of this section. 3970

~~(D) Notwithstanding division (A) (3) (a) of this section, if,~~ 3971
~~by March 31, 2013, the general assembly does not enact for~~ 3972
~~community schools described in that division performance~~ 3973
~~standards, a report card rating system, and criteria for closure,~~ 3974
~~those schools shall be required to permanently close upon meeting~~ 3975
~~the criteria prescribed in division (A) (2) of this section, except~~ 3976
~~that, subject to division (C) of this section, only the~~ 3977
~~performance ratings issued for the 2012-2013 school year and later~~ 3978
~~shall count in determining if the criteria are met.~~ 3979

Sec. 3314.351. (A) This section applies to any community 3980
school in which a majority of the students are enrolled in a 3981
dropout prevention and recovery program. Beginning on or after 3982
July 1, 2014, any such community school that has received a 3983
designation of "does not meet standards," as described in division 3984
(D)(1) of section 3314.017 of the Revised Code on the report card 3985
issued under that section, for at least two of the three most 3986
recent school years shall be subject to closure in accordance with 3987
this section. 3988

(B) Not later than the first day of September in each school 3989
year, the department of education shall notify each school subject 3990
to closure under this section that the school must close not later 3991
than the thirtieth day of the following June. 3992

A school so notified shall close as required. 3993

(C) A school that opens on or after July 1, 2014, shall not 3994
be subject to closure under this section for its first two years 3995
of operation. A school that is in operation prior to July 1, 2014, 3996
shall not be subject to closure under this section until after 3997
August 31, 2016. 3998

(D) The sponsor and governing authority of the school shall 3999
comply with all procedures for closing a community school adopted 4000
by the department under division (E) of section 3314.015 of the 4001
Revised Code. The governing authority of the school shall not 4002
enter into a contract with any other sponsor under section 3314.03 4003
of the Revised Code after the school closes. 4004

Sec. 3314.36. (A) ~~Except as otherwise provided in division~~ 4005
~~(D) of section~~ Section 3314.35 of the Revised Code, ~~that section~~ 4006
does not apply to any community school in which a majority of the 4007
students are enrolled in a dropout prevention and recovery program 4008
that is operated by the school and that has been granted a waiver 4009

by the department of education. ~~The~~ Until June 30, 2014, the 4010
department shall grant a waiver to a dropout prevention and 4011
recovery program, within sixty days after the program applies for 4012
the waiver, if the program meets all of the following conditions: 4013

(1) The program serves only students not younger than sixteen 4014
years of age and not older than twenty-one years of age. 4015

(2) The program enrolls students who, at the time of their 4016
initial enrollment, either, or both, are at least one grade level 4017
behind their cohort age groups or experience crises that 4018
significantly interfere with their academic progress such that 4019
they are prevented from continuing their traditional programs. 4020

(3) The program requires students to attain at least the 4021
applicable score designated for each of the assessments prescribed 4022
under division (B) (1) of section 3301.0710 of the Revised Code or, 4023
to the extent prescribed by rule of the state board of education 4024
under division (D) (6) of section 3301.0712 of the Revised Code, 4025
division (B) (2) of that section. 4026

(4) The program develops an individual career plan for the 4027
student that specifies the student's matriculating to a two-year 4028
degree program, acquiring a business and industry credential, or 4029
entering an apprenticeship. 4030

(5) The program provides counseling and support for the 4031
student related to the plan developed under division (A) (4) of 4032
this section during the remainder of the student's high school 4033
experience. 4034

(6) Prior to receiving the waiver, the program has submitted 4035
to the department an instructional plan that demonstrates how the 4036
academic content standards adopted by the state board of education 4037
under section 3301.079 of the Revised Code will be taught and 4038
assessed. 4039

If the department does not act either to grant the waiver or 4040

to reject the program application for the waiver within sixty days 4041
as required under this section, the waiver shall be considered to 4042
be granted. 4043

(B) Notwithstanding division (A) of this section, the 4044
department shall not grant a waiver to any community school that 4045
did not qualify for a waiver under this section when it initially 4046
began operations, unless the state board of education approves the 4047
waiver. 4048

(C) Beginning on July 1, 2014, all community schools in which 4049
a majority of the students are enrolled in a dropout prevention 4050
and recovery program are subject to the provisions of section 4051
3314.351 of the Revised Code, regardless of whether a waiver has 4052
been granted under this section. Thereafter, no waivers shall be 4053
granted under this section. 4054

Sec. 3314.37. (A) A five-year demonstration project is hereby 4055
established at the community schools known as the ISUS institutes. 4056
The project is a research and development initiative to collect 4057
and analyze data with which to improve dropout prevention and 4058
recovery programs, to evaluate various methodologies employed in 4059
those programs, to develop tools and criteria for evaluating 4060
community schools that operate dropout prevention and recovery 4061
programs, to institute stringent accountability measures for such 4062
community schools, and to direct curricular and programming 4063
decisions for such community schools. The program shall begin with 4064
the 2008-2009 school year and shall operate through the 2012-2013 4065
school year. 4066

(B) Under the demonstration project, the ISUS institutes 4067
shall select and pay the costs of an independent evaluator to 4068
create a study plan and collect and analyze data from the 4069
institutes. The ISUS institutes' selection of the independent 4070
evaluator is subject to the approval of the department of 4071

education. The data collected by the evaluator shall include, but 4072
need not be limited to, the following: 4073

(1) Baseline measures of student status at enrollment, 4074
including academic level; history of court involvement, drug use, 4075
and other behavioral problems; and the circumstances of the 4076
students' parenting and living arrangements; 4077

(2) Student academic progress, measured at multiple and 4078
regular intervals each school year; 4079

(3) Value-added elements of the institutes' dropout 4080
prevention and recovery programs, including industry 4081
certifications, college coursework, community service and service 4082
learning, apprenticeships, and internships; 4083

(4) Outcomes in addition to high school graduation, including 4084
students' contributions to community service and students' 4085
transitions to employment, post-secondary training, college, or 4086
the military. 4087

(C) Not later than the thirtieth day of September following 4088
each school year in which the demonstration project is operating, 4089
the independent evaluator shall do both of the following: 4090

(1) Submit to the ISUS institutes and the department all data 4091
collected and a report of its data analysis; 4092

(2) Submit a report of its data analysis to the speaker and 4093
minority leader of the house of representatives, the president and 4094
minority leader of the senate, and the chairpersons and ranking 4095
minority members of the standing committees of the house of 4096
representatives and the senate that consider education 4097
legislation. 4098

(D) For each school year in which the demonstration project 4099
is operating: 4100

(1) The ISUS institutes shall continue to report data through 4101

the education management information system under section 3314.17 4102
of the Revised Code. 4103

(2) The department shall continue to issue annual report 4104
cards for the ISUS institutes under section 3314.012 of the 4105
Revised Code and shall continue to assign them performance ratings 4106
under ~~division (B)~~ of section 3302.03 of the Revised Code. 4107

(E) Nothing in this section prevents the application to the 4108
ISUS institutes, during the demonstration project, of any 4109
provision of the Revised Code or rule or policy of the department 4110
or the state board of education requiring closure, or otherwise 4111
restricting the operation, of a community school based on measures 4112
of academic performance for any school year before or during the 4113
demonstration project. Nothing in this section prevents a sponsor 4114
of an ISUS institute from terminating or not renewing its contract 4115
with the school, from suspending the operations of the school, or 4116
from placing the school on probationary status, in accordance with 4117
this chapter, during the demonstration project. Nothing in this 4118
section prevents the auditor of state from taking action against 4119
an ISUS institute under Chapter 117. of the Revised Code or other 4120
applicable law during the demonstration project. 4121

(F) The department may conduct its own analysis of data 4122
submitted under the demonstration project. 4123

(G) Not later than December 31, 2013, the independent 4124
evaluator shall issue a final report of its findings and analysis 4125
and its recommendations for appropriate academic accountability 4126
measures for community schools that operate dropout prevention and 4127
recovery programs. The independent evaluator shall submit the 4128
report to the department, the speaker and minority leader of the 4129
house of representatives, the president and minority leader of the 4130
senate, and the chairpersons and ranking minority members of the 4131
standing committees of the house of representatives and the senate 4132
that consider education legislation. 4133

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional or permanent teacher's certificate issued under former section 3319.222 of the Revised Code, and who spends at least fifty per cent of the time employed providing student instruction. However, this section does not apply to any person who is employed as a substitute teacher.

(A) Not later than July 1, 2013, the board of education of each school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on ~~the effective date of this section~~ September 29, 2011, and shall be included in any renewal or extension of such an agreement.

(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension or alternative student academic progress measure is not applicable, the board shall administer assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code.

(C)(1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C)(2) of this section. The evaluation shall

be completed by the first day of May and the teacher shall receive 4165
a written report of the results of the evaluation by the tenth day 4166
of May. 4167

(2) The board may elect, by adoption of a resolution, to 4168
evaluate each teacher who received a rating of accomplished on the 4169
teacher's most recent evaluation conducted under this section once 4170
every two school years. In that case, the biennial evaluation 4171
shall be completed by the first day of May of the applicable 4172
school year, and the teacher shall receive a written report of the 4173
results of the evaluation by the tenth day of May of that school 4174
year. 4175

(D) Each evaluation conducted pursuant to this section shall 4176
be conducted by one or more of the following persons who hold a 4177
credential established by the department of education for being an 4178
evaluator: 4179

(1) A person who is under contract with the board pursuant to 4180
section 3319.01 or 3319.02 of the Revised Code and holds a license 4181
designated for being a superintendent, assistant superintendent, 4182
or principal issued under section 3319.22 of the Revised Code; 4183

(2) A person who is under contract with the board pursuant to 4184
section 3319.02 of the Revised Code and holds a license designated 4185
for being a vocational director, administrative specialist, or 4186
supervisor in any educational area issued under section 3319.22 of 4187
the Revised Code; 4188

(3) A person designated to conduct evaluations under an 4189
agreement entered into by the board, including an agreement 4190
providing for peer review entered into by the board and 4191
representatives of teachers employed by the board; 4192

(4) A person who is employed by an entity contracted by the 4193
board to conduct evaluations and who holds a license designated 4194
for being a superintendent, assistant superintendent, principal, 4195

vocational director, administrative specialist, or supervisor in 4196
any educational area issued under section 3319.22 of the Revised 4197
Code or is qualified to conduct evaluations. 4198

(E) Notwithstanding division (A) (3) of section 3319.112 of 4199
the Revised Code: 4200

(1) The board shall require at least three formal 4201
observations of each teacher who is under consideration for 4202
nonrenewal and with whom the board has entered into a limited 4203
contract or an extended limited contract under section 3319.11 of 4204
the Revised Code. 4205

(2) The board may elect, by adoption of a resolution, to 4206
require only one formal observation of a teacher who received a 4207
rating of accomplished on the teacher's most recent evaluation 4208
conducted under this section, provided the teacher completes a 4209
project that has been approved by the board to demonstrate the 4210
teacher's continued growth and practice at the accomplished level. 4211

(F) The board shall include in its evaluation policy 4212
procedures for using the evaluation results for retention and 4213
promotion decisions and for removal of poorly performing teachers. 4214
Seniority shall not be the basis for a decision to retain a 4215
teacher, except when making a decision between teachers who have 4216
comparable evaluations. 4217

(G) For purposes of section 3333.0411 of the Revised Code, 4218
the board annually shall report to the department of education the 4219
number of teachers for whom an evaluation was conducted under this 4220
section and the number of teachers assigned each rating prescribed 4221
under division (B) (1) of section 3319.112 of the Revised Code, 4222
aggregated by the teacher preparation programs from which and the 4223
years in which the teachers graduated. The department shall 4224
establish guidelines for reporting the information required by 4225
this division. The guidelines shall not permit or require that the 4226

name of, or any other personally identifiable information about, 4227
any teacher be reported under this division. 4228

(H) Notwithstanding any provision to the contrary in Chapter 4229
4117. of the Revised Code, the requirements of this section 4230
prevail over any conflicting provisions of a collective bargaining 4231
agreement entered into on or after ~~the effective date of this~~ 4232
~~amendment~~ September 24, 2012. 4233

Sec. 3319.112. (A) Not later than December 31, 2011, the 4234
state board of education shall develop a standards-based state 4235
framework for the evaluation of teachers. The state board may 4236
update the framework periodically by adoption of a resolution. The 4237
framework shall establish an evaluation system that does the 4238
following: 4239

(1) Provides for multiple evaluation factors, ~~including~~ 4240
~~student academic growth which shall account for fifty per cent of~~ 4241
~~each.~~ One factor shall be student academic growth which shall 4242
account for fifty per cent of each evaluation. When applicable to 4243
the grade level or subject area taught by a teacher, the 4244
value-added progress dimension established under section 3302.021 4245
of the Revised Code or an alternative student academic progress 4246
measure adopted under division (C)(1)(e) of section 3302.03 of the 4247
Revised Code shall be used in the student academic growth portion 4248
of an evaluation. In calculating student academic growth for an 4249
evaluation, a student shall not be included if the student has 4250
sixty or more unexcused absences for the school year. 4251

(2) Is aligned with the standards for teachers adopted under 4252
section 3319.61 of the Revised Code; 4253

(3) Requires observation of the teacher being evaluated, 4254
including at least two formal observations by the evaluator of at 4255
least thirty minutes each and classroom walkthroughs; 4256

| | |
|---|------|
| (4) Assigns a rating on each evaluation in accordance with | 4257 |
| division (B) of this section; | 4258 |
| (5) Requires each teacher to be provided with a written | 4259 |
| report of the results of the teacher's evaluation; | 4260 |
| (6) Identifies measures of student academic growth for grade | 4261 |
| levels and subjects for which the value-added progress dimension | 4262 |
| prescribed by section 3302.021 of the Revised Code <u>or an</u> | 4263 |
| <u>alternative student academic progress measure adopted under</u> | 4264 |
| <u>division (C) (1) (e) of section 3302.03 of the Revised Code</u> does not | 4265 |
| apply; | 4266 |
| (7) Implements a classroom-level, value-added program | 4267 |
| developed by a nonprofit organization described in division (B) of | 4268 |
| section 3302.021 of the Revised Code <u>or an alternative student</u> | 4269 |
| <u>academic progress measure adopted under division (C) (1) (e) of</u> | 4270 |
| <u>section 3302.03 of the Revised Code;</u> | 4271 |
| (8) Provides for professional development to accelerate and | 4272 |
| continue teacher growth and provide support to poorly performing | 4273 |
| teachers; | 4274 |
| (9) Provides for the allocation of financial resources to | 4275 |
| support professional development. | 4276 |
| (B) For purposes of the framework developed under this | 4277 |
| section, the state board also shall do the following: | 4278 |
| (1) Develop specific standards and criteria that distinguish | 4279 |
| between the following levels of performance for teachers and | 4280 |
| principals for the purpose of assigning ratings on the evaluations | 4281 |
| conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 | 4282 |
| of the Revised Code: | 4283 |
| (a) Accomplished; | 4284 |
| (b) Proficient; | 4285 |
| (c) Developing; | 4286 |

(d) Ineffective. 4287

(2) For grade levels and subjects for which the assessments 4288
prescribed under sections 3301.0710 and 3301.0712 of the Revised 4289
Code and the value-added progress dimension prescribed by section 4290
3302.021 of the Revised Code, or alternative student academic 4291
progress measure, do not apply, develop a list of student 4292
assessments that measure mastery of the course content for the 4293
appropriate grade level, which may include nationally normed 4294
standardized assessments, industry certification examinations, or 4295
end-of-course examinations. 4296

(C) The state board shall consult with experts, teachers and 4297
principals employed in public schools, and representatives of 4298
stakeholder groups in developing the standards and criteria 4299
required by division (B)(1) of this section. 4300

(D) To assist school districts in developing evaluation 4301
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of 4302
the Revised Code, the department shall do both of the following: 4303

(1) Serve as a clearinghouse of promising evaluation 4304
procedures and evaluation models that districts may use; 4305

(2) Provide technical assistance to districts in creating 4306
evaluation policies. 4307

(E) Not later than June 30, 2013, the state board, in 4308
consultation with state agencies that employ teachers, shall 4309
develop a standards-based framework for the evaluation of teachers 4310
employed by those agencies. Each state agency that employs 4311
teachers shall adopt a standards-based teacher evaluation policy 4312
that conforms with the framework developed under this division. 4313
The policy shall become operative at the expiration of any 4314
collective bargaining agreement covering teachers employed by the 4315
agency that is in effect on ~~the effective date of this amendment~~ 4316
September 24, 2012, and shall be included in any renewal or 4317

extension of such an agreement.. 4318

Sec. 3319.58. (A) As used in this section, "core subject 4319
area" has the same meaning as in section 3319.074 of the Revised 4320
Code. 4321

(B) Each year, beginning with the 2015-2016 school year, the 4322
board of education of each city, exempted village, local, and 4323
joint vocational school district shall require each classroom 4324
teacher who is currently teaching in a core subject area and has 4325
received a rating of ineffective on the evaluations conducted 4326
under section 3319.111 of the Revised Code for two of the three 4327
most recent school years to register for and take all written 4328
examinations of content knowledge selected by the department of 4329
education as appropriate to determine expertise to teach that core 4330
subject area and the grade level to which the teacher is assigned. 4331

(C) Each year, beginning with the 2015-2016 school year, the 4332
governing authority of each community school established under 4333
Chapter 3314. of the Revised Code except a community school to 4334
which section 3314.017 of the Revised Code applies and governing 4335
body of each STEM school established under Chapter 3326. of the 4336
Revised Code with a building ranked in the lowest ten per cent of 4337
all public school buildings according to performance index score, 4338
under section 3302.21 of the Revised Code, shall require each 4339
classroom teacher currently teaching in a core subject area in 4340
such a building to register for and take all written examinations 4341
of content knowledge selected by the department as appropriate to 4342
determine expertise to teach that core subject area and the grade 4343
level to which the teacher is assigned. 4344

(D) If a teacher who takes an examination under division (B) 4345
of this section passes that examination and provides proof of that 4346
passage to the teacher's employer, the employer shall require the 4347
teacher, at the teacher's expense, to complete professional 4348

development that is targeted to the deficiencies identified in the 4349
teacher's evaluations conducted under section 3319.111 of the 4350
Revised Code. The receipt by the teacher of a rating of 4351
ineffective on the teacher's next evaluation after completion of 4352
the professional development, or the failure of the teacher to 4353
complete the professional development, shall be grounds for 4354
termination of the teacher under section 3319.16 of the Revised 4355
Code. 4356

(E) If a teacher who takes an examination under this section 4357
passes that examination and provides proof of that passage to the 4358
teacher's employer, the teacher shall not be required to take the 4359
examination again for three years, regardless of the teacher's 4360
evaluation ratings or the performance index score ranking of the 4361
building in which the teacher teaches. No teacher shall be 4362
responsible for the cost of taking an examination under this 4363
section. 4364

(F) Each district board of education, each community school 4365
governing authority, and each STEM school governing body may use 4366
the results of a teacher's examinations required under division 4367
(B) or (C) of this section in developing and revising professional 4368
development plans and in deciding whether or not to continue 4369
employing the teacher in accordance with the provisions of this 4370
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 4371
decision to terminate or not to renew a teacher's employment 4372
contract shall be made solely on the basis of the results of a 4373
teacher's examination under this section until and unless the 4374
teacher has not attained a passing score on the same required 4375
examination for at least three consecutive administrations of that 4376
examination. 4377

Sec. 3326.03. (A) The STEM committee shall authorize the 4378
establishment of and award grants to science, technology, 4379

engineering, and mathematics schools based on proposals submitted 4380
to the committee. 4381

The committee shall determine the criteria for proposals, 4382
establish procedures for the submission of proposals, accept and 4383
evaluate proposals, and choose which proposals to approve to 4384
become a STEM school. In approving proposals for STEM schools, the 4385
committee shall consider locating the schools in diverse 4386
geographic regions of the state so that all students have access 4387
to a STEM school. 4388

The committee may authorize the establishment of a group of 4389
multiple STEM schools to operate from multiple facilities located 4390
in one or more school districts under the direction of a single 4391
governing body in the manner prescribed by section 3326.031 of the 4392
Revised Code. The committee shall consider the merits of each of 4393
the proposed STEM schools within a group and shall authorize each 4394
school separately. Anytime after authorizing a group of STEM 4395
schools to be under the direction of a single governing body, upon 4396
a proposal from the governing body, the committee may authorize 4397
one or more additional schools to operate as part of that group. 4398

The STEM committee may approve one or more STEM schools to 4399
serve only students identified as gifted under Chapter 3324. of 4400
the Revised Code. 4401

(B) Proposals may be submitted only by a partnership of 4402
public and private entities consisting of at least all of the 4403
following: 4404

(1) A city, exempted village, local, or joint vocational 4405
school district or an educational service center; 4406

(2) Higher education entities; 4407

(3) Business organizations. 4408

(C) Each proposal shall include at least the following: 4409

| | |
|--|------|
| (1) Assurances that the STEM school or group of STEM schools | 4410 |
| will be under the oversight of a governing body and a description | 4411 |
| of the members of that governing body and how they will be | 4412 |
| selected; | 4413 |
| (2) Assurances that each STEM school will operate in | 4414 |
| compliance with this chapter and the provisions of the proposal as | 4415 |
| accepted by the committee; | 4416 |
| (3) Evidence that each school will offer a rigorous, diverse, | 4417 |
| integrated, and project-based curriculum to students in any of | 4418 |
| grades six through twelve, with the goal to prepare those students | 4419 |
| for college, the workforce, and citizenship, and that does all of | 4420 |
| the following: | 4421 |
| (a) Emphasizes the role of science, technology, engineering, | 4422 |
| and mathematics in promoting innovation and economic progress; | 4423 |
| (b) Incorporates scientific inquiry and technological design; | 4424 |
| (c) Includes the arts and humanities; | 4425 |
| (d) Emphasizes personalized learning and teamwork skills. | 4426 |
| (4) Evidence that each school will attract school leaders who | 4427 |
| support the curriculum principles of division (C) (3) of this | 4428 |
| section; | 4429 |
| (5) A description of how each school's curriculum will be | 4430 |
| developed and approved in accordance with section 3326.09 of the | 4431 |
| Revised Code; | 4432 |
| (6) Evidence that each school will utilize an established | 4433 |
| capacity to capture and share knowledge for best practices and | 4434 |
| innovative professional development; | 4435 |
| (7) Evidence that each school will operate in collaboration | 4436 |
| with a partnership that includes institutions of higher education | 4437 |
| and businesses; | 4438 |
| (8) Assurances that each school has received commitments of | 4439 |

sustained and verifiable fiscal and in-kind support from regional 4440
education and business entities; 4441

(9) A description of how each school's assets will be 4442
distributed if the school closes for any reason. 4443

Sec. 3333.041. (A) On or before the last day of December of 4444
each year, the chancellor of the Ohio board of regents shall 4445
submit to the governor and, in accordance with section 101.68 of 4446
the Revised Code, the general assembly a report or reports 4447
concerning all of the following: 4448

(1) The status of graduates of Ohio school districts at state 4449
institutions of higher education during the twelve-month period 4450
ending on the thirtieth day of September of the current calendar 4451
year. The report shall list, by school district, the number of 4452
graduates of each school district who attended a state institution 4453
of higher education and the percentage of each district's 4454
graduates enrolled in a state institution of higher education 4455
during the reporting period who were required during such period 4456
by the college or university, as a prerequisite to enrolling in 4457
those courses generally required for first-year students, to 4458
enroll in a remedial course in English, including composition or 4459
reading, mathematics, and any other area designated by the 4460
chancellor. The chancellor also shall make the information 4461
described in division (A)(1) of this section available to the 4462
board of education of each city, exempted village, and local 4463
school district. 4464

Each state institution of higher education shall, by the 4465
first day of November of each year, submit to the chancellor in 4466
the form specified by the chancellor the information the 4467
chancellor requires to compile the report. 4468

(2) Aggregate academic growth data for students assigned to 4469
graduates of teacher preparation programs approved under section 4470

3333.048 of the Revised Code who teach English language arts or 4471
mathematics in any of grades four to eight in a public school in 4472
Ohio. For this purpose, the chancellor shall use the value-added 4473
progress dimension prescribed by section 3302.021 of the Revised 4474
Code or the alternative student academic progress measure adopted 4475
under division (C)(1)(e) of section 3302.03 of the Revised Code. 4476

The chancellor shall aggregate the data by graduating class for 4477
each approved teacher preparation program, except that if a 4478
particular class has ten or fewer graduates to which this section 4479
applies, the chancellor shall report the data for a group of 4480
classes over a three-year period. In no case shall the report 4481
identify any individual graduate. The department of education 4482
shall share any data necessary for the report with the chancellor. 4483

(3) The following information with respect to the Ohio 4484
tuition trust authority: 4485

(a) The name of each investment manager that is a minority 4486
business enterprise or a women's business enterprise with which 4487
the chancellor contracts; 4488

(b) The amount of assets managed by investment managers that 4489
are minority business enterprises or women's business enterprises, 4490
expressed as a percentage of assets managed by investment managers 4491
with which the chancellor has contracted; 4492

(c) Efforts by the chancellor to increase utilization of 4493
investment managers that are minority business enterprises or 4494
women's business enterprises. 4495

(4) The status of implementation of faculty improvement 4496
programs under section 3345.28 of the Revised Code. The report 4497
shall include, but need not be limited to, the following: the 4498
number of professional leave grants made by each institution; the 4499
purpose of each professional leave; and a statement of the cost to 4500
the institution of each professional leave, to the extent that the 4501

cost exceeds the salary of the faculty member on professional 4502
leave. 4503

(5) The number and types of biobased products purchased under 4504
section 125.092 of the Revised Code and the amount of money spent 4505
by state institutions of higher education for those biobased 4506
products as that information is provided to the chancellor, under 4507
division (A) of section 3345.692 of the Revised Code. 4508

(6) A description of dual enrollment programs, as defined in 4509
section 3313.6013 of the Revised Code, that are offered by school 4510
districts, community schools established under Chapter 3314. of 4511
the Revised Code, STEM schools established under Chapter 3326. of 4512
the Revised Code, college-preparatory boarding schools established 4513
under Chapter 3328. of the Revised Code, and chartered nonpublic 4514
high schools. The chancellor also shall post the information on 4515
the chancellor's web site. 4516

(7) The academic and economic impact of the Ohio innovation 4517
partnership established under section 3333.61 of the Revised Code. 4518
At a minimum, the report shall include the following: 4519

(a) Progress and performance metrics for each initiative that 4520
received an award in the previous fiscal year; 4521

(b) Economic indicators of the impact of each initiative, and 4522
all initiatives as a whole, on the regional economies and the 4523
statewide economy; 4524

(c) The chancellor's strategy in assigning choose Ohio first 4525
scholarships among state universities and colleges and how the 4526
actual awards fit that strategy. 4527

(8) The academic and economic impact of the Ohio 4528
co-op/internship program established under section 3333.72 of the 4529
Revised Code. At a minimum, the report shall include the 4530
following: 4531

(a) Progress and performance metrics for each initiative that 4532
received an award in the previous fiscal year; 4533

(b) Economic indicators of the impact of each initiative, and 4534
all initiatives as a whole, on the regional economies and the 4535
statewide economy; 4536

(c) The chancellor's strategy in allocating awards among 4537
state institutions of higher education and how the actual awards 4538
fit that strategy. 4539

(B) As used in this section: 4540

(1) "Minority business enterprise" has the same meaning as in 4541
section 122.71 of the Revised Code. 4542

(2) "State institution of higher education" and "state 4543
university" have the same meanings as in section 3345.011 of the 4544
Revised Code. 4545

(3) "State university or college" has the same meaning as in 4546
section 3345.12 of the Revised Code. 4547

(4) "Women's business enterprise" means a business, or a 4548
partnership, corporation, limited liability company, or joint 4549
venture of any kind, that is owned and controlled by women who are 4550
United States citizens and residents of this state. 4551

Sec. 3333.048. (A) Not later than one year after the 4552
~~effective date of this section~~ October 16, 2009, the chancellor of 4553
the Ohio board of regents and the superintendent of public 4554
instruction jointly shall do the following: 4555

(1) In accordance with Chapter 119. of the Revised Code, 4556
establish metrics and educator preparation programs for the 4557
preparation of educators and other school personnel and the 4558
institutions of higher education that are engaged in their 4559
preparation. The metrics and educator preparation programs shall 4560
be aligned with the standards and qualifications for educator 4561

licenses adopted by the state board of education under section 4562
3319.22 of the Revised Code and the requirements of the Ohio 4563
teacher residency program established under section 3319.223 of 4564
the Revised Code. The metrics and educator preparation programs 4565
also shall ensure that educators and other school personnel are 4566
adequately prepared to use the value-added progress dimension 4567
prescribed by section 3302.021 of the Revised Code or the 4568
alternative student academic progress measure adopted under 4569
division (C)(1)(e) of section 3302.03 of the Revised Code. 4570

(2) Provide for the inspection of institutions of higher 4571
education desiring to prepare educators and other school 4572
personnel. 4573

(B) Not later than one year after ~~the effective date of this~~ 4574
~~section~~ October 16, 2009, the chancellor shall approve 4575
institutions of higher education engaged in the preparation of 4576
educators and other school personnel that maintain satisfactory 4577
training procedures and records of performance, as determined by 4578
the chancellor. 4579

(C) If the metrics established under division (A)(1) of this 4580
section require an institution of higher education that prepares 4581
teachers to satisfy the standards of an independent accreditation 4582
organization, the chancellor shall permit each institution to 4583
satisfy the standards of either the national council for 4584
accreditation of teacher education or the teacher education 4585
accreditation council. 4586

(D) The metrics and educator preparation programs established 4587
under division (A)(1) of this section may require an institution 4588
of higher education, as a condition of approval by the chancellor, 4589
to make changes in the curricula of its preparation programs for 4590
educators and other school personnel. 4591

Notwithstanding division (D) of section 119.03 and division 4592

(A) (1) of section 119.04 of the Revised Code, any metrics, 4593
educator preparation programs, rules, and regulations, or any 4594
amendment or rescission of such metrics, educator preparation 4595
programs, rules, and regulations, adopted under this section that 4596
necessitate institutions offering preparation programs for 4597
educators and other school personnel approved by the chancellor to 4598
revise the curricula of those programs shall not be effective for 4599
at least one year after the first day of January next succeeding 4600
the publication of the said change. 4601

Each institution shall allocate money from its existing 4602
appropriations to pay the cost of making the curricular changes. 4603

(E) The chancellor shall notify the state board of the 4604
metrics and educator preparation programs established under 4605
division (A) (1) of this section and the institutions of higher 4606
education approved under division (B) of this section. The state 4607
board shall publish the metrics, educator preparation programs, 4608
and approved institutions with the standards and qualifications 4609
for each type of educator license. 4610

(F) The graduates of institutions of higher education 4611
approved by the chancellor shall be licensed by the state board in 4612
accordance with the standards and qualifications adopted under 4613
section 3319.22 of the Revised Code. 4614

Sec. 3333.391. (A) As used in this section and in section 4615
3333.392 of the Revised Code: 4616

(1) "Academic year" shall be as defined by the chancellor of 4617
the Ohio board of regents. 4618

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 4619
be as defined by the department of education. 4620

(3) "Parent" means the parent, guardian, or custodian of a 4621
qualified student. 4622

(4) "Qualified service" means teaching at a qualifying school. 4623
4624

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low 4625
performance rating of ~~academic watch or academic emergency~~, as 4627
determined jointly by the chancellor and superintendent of public 4628
instruction, under section 3302.03 of the Revised Code at the time 4629
the recipient becomes employed by the district. 4630

(B) If the chancellor of the Ohio board of regents determines 4631
that sufficient funds are available from general revenue fund 4632
appropriations made to the Ohio board of regents or to the 4633
chancellor, the chancellor and the superintendent of public 4634
instruction jointly may develop and agree on a plan for the Ohio 4635
teaching fellows program to promote and encourage high school 4636
seniors to enter and remain in the teaching profession. Upon 4637
agreement of such a plan, the chancellor shall establish and 4638
administer the program in conjunction with the superintendent and 4639
with the cooperation of teacher training institutions. Under the 4640
program, the chancellor annually shall provide scholarships to 4641
students who commit to teaching in a qualifying school for a 4642
minimum of four years upon graduation from a teacher training 4643
program at a state institution of higher education or an Ohio 4644
nonprofit institution of higher education that has a certificate 4645
of authorization under Chapter 1713. of the Revised Code. The 4646
scholarships shall be for up to four years at the undergraduate 4647
level at an amount determined by the chancellor based on state 4648
appropriations. 4649

(C) The chancellor shall adopt a competitive process for 4650
awarding scholarships under the teaching fellows program, which 4651
shall include minimum grade point average and scores on national 4652
standardized tests for college admission. The process shall also 4653
give additional consideration to all of the following: 4654

(1) A person who has participated in the program described in 4655
division (A) of section 3333.39 of the Revised Code; 4656

(2) A person who plans to specialize in teaching students 4657
with special needs; 4658

(3) A person who plans to teach in the disciplines of 4659
science, technology, engineering, or mathematics. 4660

The chancellor shall require that all applicants to the 4661
teaching fellows program shall file a statement of service status 4662
in compliance with section 3345.32 of the Revised Code, if 4663
applicable, and that all applicants have not been convicted of, 4664
plead guilty to, or adjudicated a delinquent child for any 4665
violation listed in section 3333.38 of the Revised Code. 4666

(D) Teaching fellows shall complete the four-year teaching 4667
commitment within not more than seven years after graduating from 4668
the teacher training program. Failure to fulfill the commitment 4669
shall convert the scholarship into a loan to be repaid under 4670
section 3333.392 of the Revised Code. 4671

(E) The chancellor shall adopt rules in accordance with 4672
Chapter 119. of the Revised Code to administer this section and 4673
section 3333.392 of the Revised Code. 4674

Section 2. That existing sections 3301.0710, 3301.0711, 4675
3301.0714, 3302.01, 3302.02, 3302.021, 3302.03, 3302.04, 3302.041, 4676
3302.042, 3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 3310.03, 4677
3310.06, 3311.741, 3311.80, 3313.473, 3314.012, 3314.015, 4678
3314.016, 3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3319.111, 4679
3319.112, 3319.58, 3326.03, 3333.041, 3333.048, and 3333.391 of 4680
the Revised Code are hereby repealed. 4681

Section 3. The Ohio Accountability Task Force, as established 4682
under section 3302.021 of the Revised Code, as it existed prior to 4683
the effective date of this section, is hereby abolished and 4684

replaced by the Ohio Accountability Advisory Committee as 4685
established by section 3302.021 of the Revised Code as amended by 4686
this act. The initial members of the Ohio Accountability Advisory 4687
Committee shall be appointed not later than thirty days after the 4688
effective date of this section. Individuals serving as members of 4689
the Ohio Accountability Task Force at the time it is abolished may 4690
be appointed as members of the Ohio Accountability Advisory 4691
Committee. 4692

Section 4. Not later than August 31, 2013, the state board of 4693
education shall submit to the General Assembly under section 4694
101.68 of the Revised Code recommendations for a comprehensive 4695
statewide plan to intervene directly in and improve the 4696
performance of persistently poor performing schools and school 4697
districts. 4698

Section 5. Not later than December 31, 2013, the Department 4699
of Education shall review the additional information included on 4700
the school district and building report cards described in 4701
division (H) of section 3302.03 of the Revised Code, as amended by 4702
this act, and shall submit to the Governor and the General 4703
Assembly, in accordance with section 101.68 of the Revised Code, 4704
recommendations for revisions to make the report cards easier to 4705
read and understand. 4706

Section 6. The amendment of section 3314.016 of the Revised 4707
Code shall take effect January 1, 2015. 4708

Section 7. The General Assembly, applying the principle 4709
stated in division (B) of section 1.52 of the Revised Code that 4710
amendments are to be harmonized if reasonably capable of 4711
simultaneous operation, finds that the following sections, 4712
presented in this act as composites of the sections as amended by 4713

the acts indicated, are the resulting versions of the sections in 4714
effect prior to the effective date of the sections as presented in 4715
this act: 4716

Section 3301.0714 of the Revised Code as amended by both Am. 4717
Sub. H.B. 386 and Am. Sub. S.B. 316 of the 129th General Assembly. 4718

Section 3302.03 of the Revised Code as amended by both Sub. 4719
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 4720

Section 3319.112 of the Revised Code as amended by both Sub. 4721
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 4722